

The Gazette of India



PUBLISHED BY AUTHORITY

No. 1] NEW DELHI, SATURDAY, JANUARY 2, 1960/PAUSA 12, 1881

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 24th December, 1959 :—

Issue No	No. and date	Issued by	Subject
179	S. O. 2800, dated 21st December, 1959.	Ministry of Food and Agriculture.	Appointment of a body of persons for making a complete investigation into the circumstances of the Mewar Textile Mills Ltd., Bhilwara (Rajasthan).
180	S. O. 2801, dated 21st December, 1959.	Do.	Authorising the Director of Food Supplies, Government of Orissa, to determine the average market rates of rice and paddy in any locality in Orissa State.
181	S. O. 2855, dated 21st December, 1959.	Ministry of Information and Broadcasting.	Approval of films specified therein.
182	S. O. 2856, dated 23rd December, 1959.	Ministry of Law	Amendments in the Representation of the People (Conduct of Election and Election Petitions) Rules, 1956.
183	S. O. 2857, dated 24th December, 1959.	Ministry of External Affairs.	Further amendment to the Karai Cultivating Tenants Protection (No. 2) Order, 1958.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 22nd December, 1959

S.O. 1.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951

(XLIII of 1951), incurred by the person whose name and address are given below, as notified under notification No. UP-P/327/57(162) dated the 23rd September, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Jagdish Prasad, Village: Taranhan, P.O. Karvi, District: Banda.

[No. UP-P/327/57(162)-R/22263.]

New Delhi, the 24th December, 1959

S.O. 2.—It is hereby notified for general information that the disqualification under clause (c) of section 7 of the Representation of the People Act, 1951 (43 of 1951), incurred by the person whose name and address are given below, as notified under notification No. MD-P/202/57(100) dated the 23rd September, 1957, has been removed by the Election Commission in exercise of the powers conferred on it by the said clause and section of the said Act:—

Shri Sivasubramanian. Omakulam,
Chidambaram (Madras).

[No. MD-P/202/57(100-R)/22474.]

By order,

A. S. NADKARNI, Under Secy.

CABINET SECRETARIAT

New Delhi, the 22nd December, 1959

S.O. 3.—In exercise of the powers conferred by section 14 of the Collection of Statistics Act, 1953 (32 of 1953), the Central Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said section, namely:—

COLLECTION OF STATISTICS (CENTRAL) RULES, 1959

1. **Title.**—These rules may be called the Collection of Statistics (Central) Rules, 1959.

2. **Definitions.**—In these rules, unless the context otherwise requires—

- (1) 'Act' means the Collection of Statistics Act, 1953 (32 of 1953);
- (2) 'notice' means the notice referred to in rule 3;
- (3) 'plantation' means a commercial concern referred to in sub-clause (ix) of clause (b) of section 2 of the Act;
- (4) 'statistics authority' means the officer appointed by the Central Government to be the statistics authority under section 4 of the Act; and
- (5) 'survey year' means—
 - (a) in relation to the collection of statistics relating to a factory engaged in the Sugar industry, the twelve calendar months commencing from the 1st July of a year and ending with the 30th June of the succeeding year;
 - (b) in any other case, the calendar year in respect of which the statistics are being collected.

3. **Service of notice.**—For the purpose of the collection of statistics under these rules, the statistics authority shall serve upon the owner of any factory, industrial concern or plantation, a notice requiring the owner to furnish the statistics authority with the following before a date to be stated in the notice (which date shall not ordinarily be earlier than three calendar months after the end of the period to which the return relates)—

- (a) One or more returns in such manner and containing such particulars as may be specified in the notice;
- (b) if the factory, industrial concern, or plantation is owned by a company as defined by the Companies Act 1956 (1 of 1956), a copy of the annual balance sheet and profit and loss account and of the Director's

PART II

Goods made or produced within the limits of India

Item No.	Class of goods	Manner in which the indication shall be applied
(1)	(2)	(3)
1.	Abrasives coated	On the goods themselves.
2.	(a) Batteries of all kinds, primary and secondary, such as dry cells for flash lights, radios, etc. and storage batteries of the motor vehicles, train lighting and stationary types	On the goods themselves.
	(b) Plates for motor vehicle batteries	On the packages.
3.	Belting.	Do.
	Blowers (Industrial)	Do.
4.	Boilers	Do.
5.	Bolts, nuts and rivets	On the packages or otherwise.
6.	Bolts, nuts and rivets	On the bundles or packages.
7.	B.R.C. and other fabrics	
8.	Chemicals, drugs, medicines and pharmaceutical products of all kinds	On the packages.
9.	Cigarettes	On the packages.
10.	Cotton piecegoods excepting handloom cloth	On the goods themselves.
11.	Cutlery articles, metallic	Do.
12.	Cycles complete	On the frames, forks and mudguards.
13.	Cycles, major component parts of, such as, Front Forks, Mudguards, handle bars, brakes, chain wheels and cranks, Pedals, Freewheels, Hubs, Rims, Lamp brackets, chain adjusters, Reflectors, Hub Axle, Central axle	On the goods themselves.
14.	Cycles, small component parts of, not covered by item 13	On the packages.
15.	Duplicators	On the goods themselves.
16.	Electric brass lamps holder	On the lamp holders and cartons.
17.	Electrical equipment	On the goods themselves.
18.	Fountain Pens	On the goods themselves.
19.	Gate hooks and eyes	On the packages.
20.	Gramophone needles	On the packages.
21.	Grinding Media	On the packages.
22.	Grinding stones	On the label pasted.
23.	Grinding wells	On the goods themselves.
24.	Hurricane lanterns	On the goods themselves.
25.	Inks of all kinds including fountain pen ink	On the bottles and paper cartons.
26.	Oil pressure Lamps Mantles	On the packages.
27.	Oil Pressure Lamps	On the goods themselves.
28.	Parts, spare parts and accessories of all internal combustion engine	On the packages or otherwise
29.	Parts, spare parts and accessories of machinery of all kinds	On the packages or otherwise.
30.	Parts, spare parts and accessories of motor vehicles.	On the packages or otherwise.
31.	Pressure stores	On the goods themselves.
32.	Prophylactics (Rubbers)	On the packages.
33.	Pumps	On the goods themselves.

(1)	(2)	(3)
34. Razor blades	.	On the goods themselves.
35. Rubber manufactures	.	Do.
36. Safety pins	.	On the packages
37. Sealfast seal	.	On the goods themselves
38. Spirits, Wines and Liquors	.	On the capsules and where there are no capsules on the corks as well as on the labels of the bottles or packages.
39. Split cotter pin and taper cotter pin	.	On the packages.
40. Sports goods of all kinds	.	On the goods themselves.
41. Steel files	.	On the goods themselves.
42. Steel drums and barrels	.	Do.
43. Tennis balls	.	On the packages
44. Toilet preparations of all kinds, including soaps	.	On the packages.
45. Tools (garage equipment)	.	On the goods themselves.
46. Tooth Brushes	.	On the goods themselves.
47. Trailers	.	Do.
48. Welding Electrodes	.	On the packages or otherwise.
49. Woodscrews and machine screws	.	Do.
50. Yarn of cotton, silk, artificial silk, staple fibre and wool, including yarn spun out of mixture with one or more kinds of textile fibres, as well as yarn consisting of strands of different kinds of yarn combined by the process of doubling or twisting	.	On bundles.
51. Zip Fasteners	.	On the goods themselves.

[No 7(r)-TMP/59]

K RAJARAMAN, Under Secy.

ORDER*New Delhi, the 22nd December, 1959*

S.O 18/IDRA/18G/31/59.—In exercise of the powers conferred by section 18G of the Industries (Development and Regulation) Act, 1951 (65 of 1951), the Central Government hereby makes the following amendment in the Cement Control Order, 1958, namely:—

In sub-clause (1) of clause 6 of the said Order, after the second proviso, the following further proviso shall be inserted, namely:—

"Provided also that in respect of cement intended for export outside India, it shall be open to the Corporation to negotiate with a cement producer the ex-works price payable to him."

[No. Cem-8(33)/59.]

M L. GUPTA, Under Secy

CORRIGENDUM*New Delhi, the 8th December, 1959*

S.O. 19.—In the Ministry of Commerce and Industry's Notification No. 2045 dated the 8th September, 1959, published in Part II, Section 3(ii) of the Gazette of India dated the 19th September 1959,

1. In para 3(j) for '1881-F' read '881-F'.
2. In para 3(1) (2) for '(a)' read '1'.
3. In note 2, item (xix) for 'MUC1' read 'MCU1'.

Sd/- D. S. JOSHI,
Textile Commissioner,

[No 24(8)-Tex(A)/59-III.]
HARGUNDAS, Under Secy.

(Indian Standards Institution)

New Delhi, the 22nd December 1959

S.O. 20.—In pursuance of sub-regulation (1) of regulation 8 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that two licences, particulars of which are given in the Schedule hereto annexed, have been renewed.

THE SCHEDULE

Sl. No.	Licence No. and Date.	Period of Validity		Name & Address of the Licensee	Article covered by the Licence	Relevant Indian Standard
		From	To			
1.	CM/L-24 19-12-1956	1-1-1960	31-12-1960	M/s. Light Metal Works, New Sun Mill Compound, Delisle Road, Bombay -13.	Wrought Aluminium Utensils - Grade A.	IS : 21-1955 Specification for Wrought Aluminium for Utensils.
2.	CM/L-110 23-12-1958	1-1-1960	31-12-1960	The Jaipur Metals and Electricals Ltd., Near Railway Station, Jaipur	Hard-Drawn Copper Soud Circular Conductors for Overhead Power Transmission Purposes.	IS : 282-1951 Specification for Hard-Drawn Copper Solid and Stranded Circular Conductors for Overhead Power Transmission Purposes. (Tentative).

(No MDC/12(229)-L]

LAL C. VERMAN,
Director.

MINISTRY OF STEEL, MINES AND FUEL

(Department of Iron and Steel)

New Delhi, the 21st December 1959

S.O. 21/ESS. COMM/IRON AND STEEL-15(1) and 27(1) AM(9).—The following Notification issued by the Iron and Steel Controller under Clause 15(1) of the Iron and Steel (Control) Order, 1956, is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by Sub-clause (1) of Clause 15 of the Iron and Steel (Control) Order, 1956 and with the approval of the Central Government, the Iron and Steel Controller hereby notifies the following amendment to Schedule III of the Ministry of Steel, Mines and Fuel (Department of Iron & Steel), New Delhi's Notification S. O. No. 2249-ESS. COMM/IRON & STEEL 15(1) and 27(1) dated 18th October 1958, published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated 1st November, 1958, as amended from time to time.

Amendment

In Part III of the Conditions of sale

(a) For the heading "Part III Special Conditions for sales by controlled stockholders" substitute

"Part III Special conditions for sales by Stockholders".

(b) For the opening words "All sales by controlled stockholders" read "Sales by all stockholders".

- (c) In the second sentence the word "Controlled" occurring before "Stock-holders" may be deleted.
- (d) In the second line of the heading appearing against Part IV, the word "Controlled" may be deleted.

A. S. BAM,
Iron and Steel Controller.

[No. SC(A)-2(274)/58/C.]
C. A. NAIR, Under Secy.

(Department of Iron and Steel)

New Delhi, the 2nd January 1960.

S.O. 22/ESS. COMM|IRON AND STEEL-15(1) and 27(1)-AM(11).—The following Notification issued by the Iron and Steel Controller under sub-clause I of Clause 15 of the Iron and Steel (Control) Order, 1956 is published for general information:—

"NOTIFICATION

In exercise of the powers conferred by sub-clause I of Clause 15 of the Iron and Steel (Control) Order, 1956 and with the approval of the Central Government the Iron and Steel Controller hereby notifies the following amendments to Schedule IV of the consolidated Price Notification published under S.O. 2249-ESS/COMM/IRON & STEEL-15(1) and 27(1) in Part II, Section 3(ii) of the Gazette of India, dated 1st November 1958:—

Amendment

Base Price Item No. 19

Sub-item No. 19(a)	for the words "Blooms and Slabs" read "Blooms Slabs and Billets above 4 inches to 5 inches sq."
Sub-item No. 19(b)	for the word "Billet" read "Billets upto 4 inches sq."

A. S. BAM,
Iron and Steel Controller."

[No. SC(A)2(6)/59.]
G. RAMANATHAN, Dy. Secy.

(Department of Iron and Steel)

New Delhi, the 28th December, 1959

S.O. 23/ESS. COMM|IRON AND STEEL-2(c)|AM(62).—In exercise of the powers conferred by sub-clause (c) of clause 2 of the Iron and Steel (Control) Order, 1956, the Central Government hereby directs that the following further amendment shall be made to the notification of the Government of India, in the Ministry of Steel, Mines and Fuel, No. S.R.O. 2041/ESS. COMM/IRON AND STEEL-2(c), dated the 11th June, 1957, as amended from time to time, namely:—

In the Schedule annexed to the said notification, in columns 2 and 3 thereof, against 'OTHERS', the following entry shall be added, namely:—

1	2	3
"47. Deputy Assistant Director, Military Lands and Cantonments Directorate, Ministry of Defence, Kashmir House, New Delhi,		4 and 5"

[No. SC(A)-I(20)/59.]

J. S. BALJAL, Under Secy.

(Department of Mines & Fuel)

New Delhi, the 22nd December, 1959

S. O. 24.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed ;

Now, therefore, in exercise of powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The map of this area can be inspected at the office of the Collector Surguja (M. P.) or at the office of the National Coal Development Corporation Ltd. (Revenue Section) Darbhanga House, Ranchi.

Drawing No. Rev./35/59.

SCHEDULE

Bishrampur coalfield

Situation of the land (Block 1)

Sl. No.	Villages	Thana	Thana No.	District	Area	Remarks
1.	Anrekha .	Jhilimili Jayanagar and Pratapnagar.	10	Surguja	} 26.40 sq. miles	Part.
2.	Ponri .	"	9	Surguja		Part.
3.	Marhatta .	"	6	Surguja		Part.
4.	Durti .	"	22	Surguja		Part.
5.	Senaahapara .	"	21	Surguja		Part.
6.	Jarahi .	"	20	Surguja		Part.
7.	Baraudih .	"	16	Surguja		Full.
8.	Dugga .	"	14	Surguja		Full.
9.	Basahi .	"	12	Surguja		Full.
10.	Bhutganwan .	"	11	Surguja		Part.
11.	Baniyatikauri .	"	10	Surguja		Part.
12.	Chungari .	"	8	Surguja		Part.
13.	Telaganwan .	"	13	Surguja		Full.
14.	Barpara .	"	9	Surguja		Part.
15.	Bundiya .	"	18	Surguja		Part.
16.	Dumariya .	"	17	Surguja		Part.
17.	Dhorampur .	"	28	Surguja		Part.
18.	Rajkishornagar .	"	27	Surguja		Part.
19.	Lakshmipur .	"	10	Surguja		Part.
20.	Kapsara .	"	15	Surguja		Full.
21.	Reserve Forest .	"	"	Surguja		Part.
TOTAL AREA:					26.40 sq. miles	

Boundary Description (Block 1) :—

AB line passes through the villages:—Bhutganwan, Anrekha.

BC line passes through the villages:—Anrakha, Parpi, Marhatta.

CD line passes through the villages:—Marhatta and Durti.

DE line passes through the villages:—Durti, Senhapur, Jarahi, Reserve forest, Dumariya Bundaya, Dhorampur.

EF line passes through the villages:—Dhorampur, Rajkishore nagar, Lakshmipur, Barapura, Chungari.

FA line passes through the villages:—Chungari, Baniyatikauri

SCHEDULE

Situation of the land (Block—A—II)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Kuruwan.	Surajpur and Jayanagar	84	Surguja	17·876 sq. miles	Part.
2.	Baltikri . . .	"	91	Surguja		Part.
3.	Pachiro . . .	"	90	Surguja		Part.
4.	Girwaganj . . .	"	88	Surguja		Part.
5.	Saraswatipur . . .	"	18	Surguja		Part.
6.	Runiadih . . .	"	17	Surguja		Part.
7.	Rampur . . .	"	19	Surguja		Part.
8.	Ramnagar . . .	"	20	Surguja		Part.
9.	Nayanpur . . .	"	89	Surguja		Full.
10.	Keshwanagar . . .	"	83	Surguja		Part.
11.	Gorakhanathpur . . .	"	82	Surguja		Part.
12.	State Forest . . .	"	..	Surguja		Full.
13.	Reserve Forest . . .	"	..	Surguja		Full.
14.	Reserve Forest . . .	"	..	Surguja		Part.
15.	Kumda . . .	"	22	Surguja		Part.
16.	Gangikot . . .	"	21	Surguja		Part.
17.	Sheonandanpur . . .	"	81	Surguja		Part.
18.	Parbatipur . . .	"	74	Surguja		Part.
19.	Karampur . . .	"	78	Surguja		Part.
20.	Birpur . . .	"	73	Surguja		Part.
21.	Balrampur . . .	"	79	Surguja		Part.
22.	Kaskela . . .	"	33	Surguja		Part.
23.	Kasalgiri . . .	"	72	Surguja		Part.
24.	Reserve Forest . . .	"	..	Surguja		Part.
25.	Satpata . . .	"	85	Surguja		Part.
26.	Kunjnagar . . .	"	86	Surguja		Part.

TOTAL AREA

17·876 Sq. miles
(Approximately)**Boundary Description :—**

AB line passes through the villages. —Runiadih, Rampur, Ramnagar, Reserve forest, Kumda.

BC line passes through the villages:—Kumda, Gangikot, Gorakhanathpur, Keshwanagar and Sheonandanpur.

CD line passes through the villages :—Kunjnagar, Sheonandanpur, Satpata, Keshwanagar, Kurban, Baltikri.

DA line passes through the villages :—Baltikri, Pachiro, Girwaganj, Saraswatipur, Runiadih.

EF line passes through the village Kaskela.

FG line passes through the villages :—Kaskela, Reserve Forest, Kasalgiri, Birpur, Parbatipur.

GH line passes through the village Parbatipur.

HE line passes through the villages :—Parbatipur, Karampur, Birpur, Kasalgiri, Balrampur, Reserve Forest and Village Kaskela.

[No. C2—5(6)/57]

S. O. 25.—Whereas by the notification of the Government of Madhya Pradesh in the Revenue Department No. 5323-CR-355-XII-56 dated the 4th August, 1956, under sub-section (1) of section 4 of the Land Acquisition Act, 1894 (1 of 1894), it was notified that the land described in the Schedule appended to that notification was needed or was likely to be needed for public purpose, namely, for the prospecting of coal seams for the development of the State Collieries to be worked by the Union of India.

And whereas no objection was made to the acquisition of the land aforesaid ;

And whereas the Central Government after consulting the Government of Madhya Pradesh is satisfied that :—

- (a) the lands measuring 3448·88 acres described in the Schedule 'A' appended here to; and
- (b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 4822·42 acres described in Schedule 'B' appended hereto.

should be acquired.

Now, Therefore, in exercise of the powers conferred by sub-section (1) of section 9 read with section 28 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby declares that the lands measuring 3448·88 acres described in the said Schedule 'A' and the rights to mine quarry, bore, dig and search for win, work and carry away minerals in the lands measuring 4822·42 acres described in the said Schedule 'B' are hereby acquired.

The plans of the areas covered by this notification may be inspected in the office of the Collector, Surguja (M.P.), or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the National Coal Development Corporation Ltd., (Revenue Section), Darbhanga House, Ranchi.

Drawing No. Rev/23/59.

SCHEDULE 'A'

Bishrampur Coalfield Block A—II (Block 'Y')

(All rights)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Kumda	Jayanagar	22	Surguja	86·75 Acres.	Part.
2.	Gangikat	Jayanagar	21	Surguja	303·50 Acres.	Part.
3.	Balrampur	Jaynagar	79	Surguja	192·25 Acres.	Part.
4.	Arsota	Jaynagar	32	Surguja	1·55 Acres.	Part.
5.	Gobindpur	Jaynagar	80	Surguja	198·40 Acres.	Part.
TOTAL AREA :					782·45 Acres (Approximately)	

Plots to be acquired :—

In village Kumda :—544 (Part), 614 (Part), 615 (Part), 616, 617 (Part), 620 (Part), 621 (Part), 921 (Part), 922 (Part), 923 (Part), 933 (Part), 934 (Part), 935, 936, 937 (Part), 938, 939, 940, 941, 942, 943 (Part), 944 (Part), 945, 946 (Part), 947 to 952, 953 (Part).

In village Gangikot :—405 (Part), 406 (Part), 437 (Part), 438 (Part), 439 (Part), 440, 441, 442 (Part), 455.

In village Balrampur :—1 (Part), 2 (Part), 3 (Part), 4 (Part), 65 (Part), 429, 449 (Part), 450 (Part).

In village Arsota :—810 (Part).

In village Gobindpur :—1 (Part), 60 (Part), 72 (Part), 73 to 96, 97 (Part), 98 (Part), 101 (Part), 153 (Part), 154 (Part), 155, 156 (Part), 157, 158 (Part), 369, 375, 376, 377, 378, 379, 380, 392 (Part), 393 (Part).

Boundary Description :—

ON MLKJI HG is the common boundary of Block 'X' Mining right.

GS line passes through Plot No. 72 in village Gobindpur.

SR line is the common boundary of Block X/1 Mining Right.

RQPO line passes through Plot No. :

437, 406, 405, in village Gangikot.

953, 933, 934, 937, 923, 922, 921, 943, 944, 946, 621 in village Kumda.

Drawing No. Rev. /23/59.

Bishrampur Coalfield Block A—II (Block 'Z')

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Shiwnandanpur	Jayanagar	81	Surguja	746.43 Acres.	Part.
2.	Gorakhnathpur.	Jayanagar	82	Surguja	731.25 Acres.	Part.
3.	Reserve forest	Jayanagar	..	Surguja	657.50 Acres.	Part.
4.	Gangikot	Jayanagar	21	Surguja	263.97 Acres.	Part.
5.	Jayanagar	Jayanagar	88	Surguja	9.38 Acres.	Part.
6.	Keshwanagar	Jayanagar	83	Surguja	39.75 Acres.	Part.
7.	Gobindpur	Jayanagar	80	Surguja	168.13 Acres.	Part.
TOTAL AREA					2,616.41 Acres (Approximately)	

Plots to be acquired —

In village Shiwnandanpur :—1 to 5, 6 (Part), 7 to 93, 94 (Part), 95 (Part), 96 (Part), 108 (Part), 109 to 118, 119 (Part), 120 to 148, 149 (Part), 150 to 154, 155 (Part), 156 to 170, 171 (Part), 172 to 175, 176 (Part), 177 to 198, 199 (Part), 200, 201, 202, 203 (Part), 204, 205, 206 (Part), 211 (Part), 212 (Part), 213, 214, 215 (Part), 239 (Part), 271 (Part), 479 (Part), 480, 481, (Part), 572, 573, 574, 576, 577, 578, 579, 584, 585, 586, 587, 588, 591, 594 (Part), 595, 602.

In village Gorakhnathpur :—32 (Part), 33 (Part), 34 to 37, 55 (Part), 67 (Part), 68 (Part), 87, 235 (Part), 236 (Part), 237 to 259, 260 (Part), 261 to 290, 291 (Part), 293 (Part), 294 to 303, 304 (Part), 305 to 340, 346 (Part), 347 to 388, 389 (Part), 390 (Part), 391, 392 (Part), 393 to 401, 402 (Part), 403 (Part), 407 to 410, 414, 415, 418, 419, 420, 421, 422, 423, 424, 426 (Part).

In Reserve Forest :— (Part).

In village Gangikot :—1 (Part), 11 (Part), 12 (Part), 19 (Part), 22 (Part), 23 (Part), 70 (Part), 72 (Part), 73, 74 (Part), 75 (Part), 76 (Part), 80 (Part), 81, 82 (Part), 83 to 98, 99 (Part), 100 to 107, 108 (Part), 109 (Part), 114 (Part), 115, 116, 117 (Part), 118, 119 (Part), 120 (Part), 123 (Part), 125 (Part), 126 (Part), 127 (Part), 128, 129, 130 (Part), 131 to 151, 152 (Part), 153 to 202, 203 (Part), 204 (Part), 207 (Part), 208 to 222, 223 (Part), 224 (Part), 225 (Part), 226 to 231, 232 (Part), 233 (Part), 234, 235 (Part), 236 to 239, 240 (Part), 241 to 255, 256 (Part), 257 (Part), 258 (Part), 278 (Part), 279 (Part), 280 (Part), 281, 282, 283 (Part), 284 (Part), 290 (Part), 304 (Part), 305 (Part), 306, 307 (Part), 308 to 313, 314 (Part), 315 to 322, 323 (Part), 325 (Part), 326 (Part), 327, 328 (Part), 329 (Part), 330 (Part), 331 (Part), 342 (Part), 343 (Part), 347 (Part), 348 (Part), 417 (Part), 443, 447, 448, 449, 450.

In village Jayanagar :—420 (Part), 421, 422 (Part), 423 (Part), 424 (Part), 426 (Part), 427 (Part), 428 (Part), 429 (Part).

In village Keshna Nagar :—1022 (Part), 1023 (Part), 1024 to 1032, 1033 (Part).

In village Gobindpur :—186 (Part), 324 (Part), 365 (Part), 366.

Boundary Description —

TUVWX line passes through Plot No. 417, 347, 348, 342, 330, 331, 328, 130, 125, 123, 126, 127, 120, 119, 114, 117, 99, 109, 108, 72, 70, 76, 75, 74, 82, 80, 152, 203, 204, 207, 23, 22, 224, 223, 225, 332, 19, 12, 11, 1, 233 in village Gangikot.

XY line passes along the left bank of Pashang Nala.

YZ line passes through Plot No. 346 in village Gorakhnathpur.

- ¹
Z—A line passes along the Northern boundary of Plot Nos. 304, 33 in village Gorakhnathpur.
- ¹ ¹
A-B line passes through Plot Nos. 33, 32, 55, 67, 68, 426, 260, 236, 235, 291, 293 in village Gorakhnathpur. 1022, 1023 in village Keshwanagar.
- ¹ ¹
B-C line passes through 1023, 1033 in village Keshwanagar. 304, 389, 390, 392, 403, 402 in village Gorakhnathpur.
- ¹ ¹
C-D line passes along the common boundary of village Satpata and Gorakhnathpur.
- ¹ ¹
D-E line passes along the common boundary of village Satpata and Shiwanandanpur.
- ¹ ¹ ¹
E-F-G line passes through Plot Nos. 481, 479, 96, 95, 94, 108, 119, 149, 155, 171, 176, 271, 215, 594, 212, 211, 203, 206, 239, 199 in village Shiwanandanpur.
- ¹ ¹
G-H line passes along the common boundary of village Shiwanandanpur and Kunjanagar.
- ¹ ¹
H-I line passes along the common boundary of village Kunjanagar and Reserve Forest.
- I-D line passes through Reserve Forest and 427, 426, 424, 423, 422, 420 in village Jayanagar.
- D-E-F line is the common boundary of the Mining right Block 'X'.
- F-T line is the common boundary of Block Z/I.

Drawing No. Rev./23/59.

Bishrampur Coalfield Block A-II (Block 'Z/I')

(All Rights)

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Gobindpur	Jayanagar	80	Surguja	19.15 Acres.	Part.
2.	Gangikot	Javanagar	21	Surguja	30.87 Acres.	Part.
TOTAL AREA					50.02 Acres (Approximately)	

Plots to be acquired —

In village Gobindpur :—1 (Part), 66 (Part), 68 (Part), 69 (Part), 70 (Part), 72 (Part).

In village Gangikot :—298 (Part), 299, 300, 301 (Part), 302 (Part), 303, 304 (Part), 323, 324, 325 (Part), 326 (Part), 328 (Part), 329 (Part), 343 (Part), 344, 345, 346, 347 (Part), 348 (Part), 410 (Part), 417 (Part), 418 (Part), 419 (Part), 420, 241, 422, 423 (Part), 424 (Part), 425 (Part), 426 (Part), 427 (Part), 437 (Part), 438 (Part), 442 (Part), 451.

All rights in Mining Block—"Z/I".

Boundary Description —

FT line passes through plot Nos. 304, 323, 326, 325, 329, 343, 348, 347, 417 in village Gangikot.

TS line is the common boundary of Block "X/I". Mining Right.

SG line is the common boundary of Block "Y". All Right.

GF line is the common boundary of Block "X". Mining Right.

SCHEDULE—'B'

Drawing No. Rev./23/59.
(Showing lands where rights to mine, quarry, bore, dig and search for, win, work and carry away minerals are to be acquired).

Bishrampur Coalfield Block A—II.

Block 'X'

Mining Rights

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
1.	Karampur <i>alias</i> Jaldoga.	Jayanagar	78	Surguja	1410.85 Acres.	Part.
2.	Kasalgiri	Jayanagar	72	Surguja	63.43 Acres.	Part.
3.	Balarampur <i>alias</i> Gourbahar.	Jayanagar	79	Surguja	517.96 Acres.	Part.
4.	Birpur <i>alias</i> Biradih.	Jayanagar	73	Surguja	1.62 Acres.	Part.
5.	Parbatipur <i>alias</i> Kashaidahar.	Jayanagar	74	Surguja	4.87 Acres.	Part.
6.	Shashipur <i>alias</i> Tharamunda.	Jayanagar	77	Surguja	22.75 Acres.	Part.
7.	Jayanagar	Jayanagar	88	Surguja	76.63 Acres.	Part.
8.	Reserve forest	Jayanagar	..	Surguja	173.55 Acres.	Part.
9.	Kaskela	Jayanagar	33	Surguja	385.87 Acres.	Part.
10.	Kamlapur <i>alias</i> Arsota.	Jayanagar	32	Surguja	484.08 Acres.	Part.
11.	Kumda	Jayanagar	22	Surguja	230.33 Acres.	Part.
12.	Gangikot	Jayanagar	21	Surguja	242.80 Acres.	Part.
13.	Gobindpur	Jayanagar	80	Surguja	1067.85 Acres.	Part.
14.	Shiwanandanpur	Jayanagar	81	Surguja	9.25 Acres.	Part.
15.	Tilakachhar	Jayanagar	89	Surguja	27.50 Acres.	Part.
16.	Reserve Forest.	Jayanagar	..	Surguja	94.85 Acres.	Part.

TOTAL AREA . 4,813.87 Acres
(Approximately)

Plots to be acquired.

In village Karampur:—

1 to 704, 705 (Part), 706 (Part), 712 (Part), 714 (Part), 715 (Part), 716 (Part), 717 to 724, 725 (Part), 726 to 747, 748 (Part), 749 to 763, 764 (Part), 765 (Part), 766 (Part), 769 (Part), 770, 771, 772 (Part), 773 (Part), 774 (Part), 787 (Part), 788 (Part), 789 (Part), 795 (Part), 796 to 818, 822 to 839.

In village Kasalgiri:—

649 (Part), 650 (Part), 651, 652 (Part), 654 (Part), 655 (Part), 656, 657 (Part), 658, 659, 660, 661, (Part), 662, 663, 664, 665, 666 (Part), 669 (Part), 670 (Part), 671 (Part), 763 (Part).

In village Balarampur:—

1 (Part), 2 (Part), 3 (Part), 4 (Part), 5 to 64, 65 (Part), 66 to 310, 311 (Part), 312 (Part), 313 to 346, 347 (Part), 348 to 362, 363 (Part), 364 (Part), 368 (Part), 369 (Part), 370 (Part), 3 o (Part), 404 (Part), 422 to 428, 430 to 443, 444 (Part), 447 (Part), 449 (Part), 450 (Part),

In village Birpur:—

1 (Part), 2 (Part).

In village Parbatipur:—

185 (Part), 2 (Part).

In village Shashipur:—

1, 172 (Part).

In village Jayanagar :—

414 (Part), 416 (Part), 417, 418, 419 (Part), 420 (Part), 427 (Part), 428 (Part), 429 (Part), 430, 431, 432, 433, 434, 435 (Part).

*In reserve forest :— Part.**In village Kaskela :—*

324 (Part) 333 (Part) 344 (Part) 335, 336 (Part), 337 (Part), 338 to 341 (Part), 342 (Part), 343 (Part), 344 (Part), 345 (Part), 543 (Part), 550 (Part), 551 (Part), 552 (Part), 553 (Part), 554, 555 (Part), 556, 557 (Part), 590 (Part) 591 (Part), 596 (Part), 597, 598, 599 (Part), 608 (Part), 864 (Part), 863 (Part), 865 (Part), 866 (Part), 867 to 879, 880, (Part), 881 to 887 888 (Part), 889 to 913, 914 (Part), 915 to 1063, 1064 (Part), 1065 to 1149, 1152 (Part), 1153 (Part), 1172 (Part), 1173 to 1181, 1182 (Part), 1183 to 1194, 1195 (Part) 1196, (Part), 1954, 1964, 1965, 1966, 1967.

In village Kamrupur alias Arsota :—

305 (Part), 306, 307, 308 (Part), 309 (Part), 310 (Part), 545 (Part), 557 (Part), 566 (Part), 567, 568, 569, 570 (Part), 571, 572, 573, 574 (Part), 575 (Part), 576 (Part), 577 to 606, 607 (Part), 612 (Part), 613 (Part), 614 to 629, 630 (Part), 631 (Part), 644 (Part), 651 (Part), 652 (Part), 653 (Part), 661 (Part), 662 (Part), 711 (Part), 712 to 809, 810 (Part), 813 to 816, 821, 822.

In village Kumda :—

514 (Part), 518 (Part), 519 520 (Part), 523 (Part), 525 (Part), 527 (Part), 528, 529 (Part), 530, 531 (Part), 532 (Part), 536 (Part), 537, 538 (Part), 539 (Part), 540 (Part), 541 (Part), 544 (Part), 545, 546, 547, 548 (Part), 549 to 570, 571 (Part), 572, 573 (Part), 574 (Part), 579 (Part), 580 (Part), 583 (Part), 584 to 613, 614 (Part), 615 (Part), 517 (Part), 618, 619 (Part), 620 (Part), 621 (Part), 622 (Part), 627 (Part), 628 (Part), 642 (Part), 645 (Part), 953 (Part), 955 (Part).

In village Gobindpur :—

1 (Part), 2 to 59, 60 (Part), 61 to 65, 66 (Part), 67, 68 (Part), 69 (Part), 70 (Part), 71, 72 (Part), 97 (Part), 98 (Part), 99, 100, 101 (Part), 102 to 152, 153 (Part), 154 (Part), 156 (Part), 158 (Part), 159 to 185, 186 (Part), 187 to 323, 324 (Part), 325 to 364, 365 (Part), 347, 368, 370, 371 to 374, 381 to 391, 392 (Part), 393 (Part), 394.

In village Gangikot :

235 (Part), 240 (Part), 256 (Part), 257 (Part), 258 (Part), 259 to 277, 278 (Part), 279 (Part), 280 (Part), 283 (Part), 284 (Part), 285 to 289 290, (Part), 291 to 297, 298 (Part), 301 (Part), 302 (Part), 304 (Part), 305 (Part), 307 (Part), 314 (Part), 406 (Part), 423 (Part), 424 (Part), 425 (Part), 426 (Part), 427 (Part), 428 to 436, 437 (Part), 442 (Part), 452, 453, 454.

*In village Shiwandanpur :—6 (Part).**Reserve forest :— part.**Tilakachhar:— 1, 2 (part),**Boundary Description :—*

AB line passes through Plot Nos.—520, 523, 525, 527, 529, 531, 532, 536, 540, 538, 539, 541, 548, 544, 955 in village Kumda.

711, 662, 661, 653, 652, 651, 607, 613, 612, 644, 630, 631, 557, 576, 575, 574, 570, 566, 545, 310, 309, 308, 305 in village Kamrupur alias Arsota.

324, 334, 333, 336, 337, 342, 343, 914, 344, 345, 543, 550, 551, 552, 553, 555, 888, 557, 880, 590, 591, 596, 608 in village Kaskela.

BC line passes through Plot No :—608, 599, 866, 865, 863, 862, 1152, 1153, 1172, 1196, 1195 1182, 1064 in village Kaskela.

Through reserve forest :—

311, 444, 312, 447, 380, 370, 369, 368 364, 363, 347, 404 in village Balrampur alias Gaurbhar.

657, 655, 654, 652, 649, 650, 671, 670, 669, 666, 661, 763 in village Kasalgiri.

1, 2 in village Birpur alias Biradih.

705, 706, 716, 715, 714, 712, 725, 748, 766, 765, 764, 769, 773, 772, 774, 788, 787, 789, 795 in village Karampur alias Jaldega.

2, 185 in village Parbatipur alias Kashaidahar.

CD line passes through Plot No. 185 in village Parbatipur *alias* Kashaidahar.

172 in village Sashipur *alias* Tharamunda.

2 in village Tilaikachhar.

435, 427, 416, 414, 419, 420 in village Jayanagar.

DEF line passes through Plot Nos. 420, 427, 428, 429 in village Jayanagar.
Through Reserve Forest.

365, 186, 34 in village Gobindpur.

6 in village Shiwnandanpur.

235, 240, 257, 258, 266, 278, 279, 280, 283, 284, 290, 307, 305, 314, 304 in village Gangikot.

FG line passes through Plot Nos. 304, 302, 301, 298, 423, 424, 425, 426, 427, 437, 442 in village Gangikot.

1, 72, 66, 68, 69, 70 in village Gobindpur.

GHIJKLMNO line passes through Plot Nos. 60, 97, 98, 101, 156, 154, 153, 392, 393, 158 in village Gobindpur.

2, 65, 4, 3, 1, 449, 450 in village Balrampur.

810 in village Kamlapur *alias* Arsota.

405 in village Gangikot.

953, 544, 615, 614, 617, 620, 621 in village Kumda.

OA line passes through Plot Nos. 621, 619, 622, 627, 628, 583, 580, 579, 573, 574, 571, 525, 642, 645, 518, 514 in village Kumda.

SCHEDULE 'B'

Bishrampur Coalfield Block "X/I"

Drawing No., Rev./23/59

Mining Right

Sl. No.	Village	Thana	Thana No.	District	Area	Remarks
					Acres	
1	Gangikot	Jayanagar	21	Surguja	5.55	
2	Gobindpur	Jayanagar	80	Surguja	3.00	
TOTAL AREA					8.55 (Approximately)	

Plots to be acquired :—In village Gangikot :

410 (Part), 411 (Part), 412 (Part), 417 (Part), 418 (Part), 419 (Part), 437 (Part), 438 (Part), 439 (Part), 442 (Part).

In village Gobindpur : 1 (Part), 72 (Part).

Boundary Description :

RS line passes through plot No. 437, 439, 438, 442 in village Gangikot.

1, 72, in village Gobindpur.

ST line passes through Plot Nos. 72, 1 in village Gobindpur.

442, 438, 437, 410, 419, 418, 417 in village Gangikot.

TR line passes through Plot Nos. 417, 418, 412, 411, 410, 437 in village Gangikot.

[No. C2-5(6)/57]

B. ROY, Under Secy.

MINISTRY OF FOOD & AGRICULTURE

(Department of Agriculture)

New Delhi, the 22nd December 1959

S.O. 26.—The following draft of certain amendments to the Wool Grading and Marking Rules, 1956, which the Central Government proposes to make, in exercise of the powers conferred by Section 3 of the Agricultural Produce (Grading

and Marking) Act, 1937 (1 of 1937) is hereby published as required by the said section for information of all persons likely to be affected thereby and notice is hereby given that draft amendments will be taken into consideration on or after 12th January, 1960.

Any objection or suggestion which may be received from any person in respect of the said draft, before the date so specified will be considered by the Central Government.

Draft Amendments

1. In Schedule IV, for the heading "Grade designation and definition of quality of Indian Limed Wool (Tannery Wool)" the heading "Grade designation and definition of quality of Indian Limed Wool (Tannery Wool) other than Aden Type and South Indian Tannery Wool" shall be substituted.

2. After Schedule IV, the following Schedule shall be inserted, namely:—

SCHEDULE IV-A

Grade Designation and Definition of quality of aden type & South Indian Tannery Wools.

Grade Designation	Colour of fibre	Special characteristics	General Characteristics
		Minimum clean wool content	
1	2	3	4
TY. W.	White	60%	All Grades shall be free from wool Waste, processed wool waste or any other animal fibre and other extraneous matter except a few unavoidable. No wool having yield less than what has been prescribed under column 3 will be allowed to be exported.
TY. T.W.	Tinged White	60%	
I			
TY. PY	} Pale Yellow Yellow Coloured	60%	Do.
TY. Y.			
TY. C.		55%	Do.

NOTE 1—No admixture of Clipped Wool shall be allowed.

NOTE 2—White Wool shall not contain more than 5% of Creamy or Tinged White fibres and not more than 1% of other Coloured Wool.

NOTE 3—Tinged White Wool shall not contain more than 10% of pale yellow fibres and 1% of other coloured wool.

NOTE 4—Pale Yellow Wool shall not contain more than 15% of Yellow fibres and not more than 1% of coloured fibres.

NOTE 5—Yellow Wool may contain deep yellow fibres and not more than 1% coloured wool.

NOTE 6—Coloured wool may contain fibres of any colour.

NOTE 7—Vegetable matter (1) A tolerance of 4% vegetable matter in white and Yellow wool is allowed and tolerance of 5% is allowed in coloured wool.

[No. F. 17-43/59-A.M.]

V. S. NIGAM, Under Secy.

(Department of Agriculture)

INDIAN COUNCIL OF AGRICULTURAL RESEARCH

New Delhi, the 22nd December, 1959

S.O. 27.—In exercise of the powers conferred by section 17 of the Indian Oilseeds Committee Act, 1946 (9 of 1946), the Central Government hereby make the following further amendment to the Indian Oilseeds Committee Rules, 1947, the same having been previously published as required by sub-section (1) of Section 17 of the said Act, namely—

In the proviso to sub-rule (1) of rule 25 of the said Rules, the following words and figures shall be inserted at the end namely—

"except on an expenditure not exceeding Rs. 5,000/- on minor schemes which were not anticipated at the time of framing annual Budget Estimates of the Committee, subject to the condition that the schemes are connected with the approved objects and the pattern of assistance is the same, as approved by the Central Government for similar schemes and the expenditure is met by diverting savings from within the sanctioned budget of the Committee."

[No. 7-59/58-Com.II/ICOC/R.1/59.]

J. VEERA RAGHAVAN, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

MERCHANT SHIPPING

New Delhi, the 22nd December 1959

S.O. 28.—In pursuance of clause (f) of sub-section (2) of Section 28 of the Indian Merchant Shipping Act, 1923 (21 of 1923), the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Department of Commerce No. 31-MII(5)/34, dated the 22nd May, 1937, namely:—

In the said notification in the table of scales for item No. (7) and the entries relating thereto in columns 2 and 3 thereof, the following shall be substituted, namely:—

(7) Dry fish at sea	0-4-0	0-4-0	...	...
3 days a week				
or				
Fresh fish at sea	0-6-0	0-6-0	...	...
3 days a week				

[No. F. 12-MT(90)/58.]

S. K. VENKATACHALAM, Dy. Secy.

(Department of Transport)

(Transport Wing)

PORTS

New Delhi, the 23rd December, 1959

S.O. 29.—In pursuance of sub-section (2) of section 6 of the Calcutta Port Act, 1890 (Bengal Act III of 1890), it is hereby notified that in accordance with the provisions of section 16 of the said Act Shri J. B. Craig of Messrs Macneill & Barry Ltd., Calcutta has been elected by the Bengal Chamber of Commerce and

Industry to be a Commissioner for the Port of Calcutta *vice* Shri J. M. Parsons resigned.

[No. 9-PG(115)/59.]

MISS I. INDIRA, Under Secy.

(Departments of Communications and Civil Aviation)

New Delhi, the 22nd December 1959

S.O. 30.—In exercise of the powers conferred by rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby directs that during the period commencing on and from the 1st January, 1960 and ending with the 31st December, 1960, the following concessions shall be admissible to candidates for the grant of a Commercial Pilot's licence, namely:—

1. Every such candidate shall be permitted to re-appear not more than thrice (instead of twice) for examination in any of the groups (so far as the candidate for the grant of 'B' licence is concerned) of the technical examinations specified in paragraph 3 of Section 'C' in Schedule II to the said Rules, in which he has failed.
2. The total period during which any such candidate shall pass in all the groups (so far as the candidate for the grant of 'B' licence is concerned) of the said technical examinations shall be one year (instead of six months) from the date of the first successful examination.
3. The flying tests specified in Section 'C' of Schedule II to the said Rules shall continue to be carried out within a maximum period of two months from the date of the first test undertaken and together with the technical examinations specified in that Section shall be completed within the over all period of 12 months from the date of the first successful examination (instead of nine months) preceding the date of receipt in the office of the Director General of Civil Aviation of complete papers for the issue of 'B' licence.

[No. AR/1937(58)/F. No. 10-A/83-59.]

ORDER

New Delhi, the 26th December, 1959

S.O. 31.—In pursuance of rule 160 of the Indian Aircraft Rules, 1937, the Central Government hereby exempts for the period upto the 30th June, 1960, all persons in-Charge of aircraft engaged in international navigation, from the operation of clauses (v) of sub-rule (2) of rule 7 of the said Rules, in so far as it requires such persons to carry in the said aircraft, the aircraft and engine log books, subject to the condition that the working copies of the aforesaid documents are carried in the said aircraft.

[No. AR/1937(59)/F. No. 10-A/85-59.]

D. R. KOHLI, Under Secy..

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, the 12th December, 1959

S.O. 32.—In pursuance of sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules 1957, the President hereby makes the following amendments in the Schedule to the notification of

the Government of India in the Ministry of Works, Housing and Supply S.R.O. No. 635, dated the 28th February, 1957, namely :—

In the said Schedule—

(1) In part I, for the heading "Office of the Chief Pay and Accounts Officer, New Delhi, Bombay and Calcutta" and all the entries relating thereto, the following heading and entries shall be substituted, namely :—

"1	2	3	4	5
<i>Pay and Accounts Organisation</i> NEW DELHI BOMBAY AND CALCUTTA				
Subordinate Ac- counts Service.	Chief Pay and Accounts Offi- cer.	Chief Pay and Accounts Offi- cer.	All	Joint Secretary, Ministry of Works, Housing & Supply.
All other posts.	Chief Pay and Accounts Offi- cer.	Chief Pay and Accounts Offi- cer. Pay and Ac- counts Officer.	All (i) to (iii)	Joint Secretary, Ministry of Works, Housing and Supply. Chief Pay and Accounts Officer."

(2) in Part II, for the heading "Office of Chief Pay and Accounts Officer", the sub-headings "Headquarters Office" and "Regional Offices" and all the entries relating thereto, the following heading and entries shall be substituted, namely:—

"1	2	3	4	5
<i>Pay and Accounts Organisation</i> NEW DELHI/ BOMBAY/ CALCUTTA				
All posts	Pay & Accounts Officer.	Pay and Ac- counts Officer.	All	Chief Pay and Accounts Officer."

[No. AV-8(7)/58.]

R. ANANDA KRISHNA, Dy. Secy.

New Delhi, the 23rd December, 1959

S.O. 33.—In pursuance of the provisions of rule 45 of the Fundamental Rules, the President hereby makes the following further amendments in the Special Accommodation Rules, 1950, issued with the notification of the Government of India in the late Ministry of Works, Mines and Power No. WIV-15(3)/III, dated the 19th January, 1950, namely:—

In the said Rules, in rule 13—

(a) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

"(1) Any officer to whom a residence has been allotted under these rules, may apply for a change of allotment within the same class from one zone to another zone in the yearly application made by him under rule 5. No change shall be permitted to him within the same zone, except from one floor to another floor, or from one type of accommodation to another type of accommodation, within the same class.

Explanation.—For the purposes of this rule, zone means a group of residences or localities notified by the President from time to time to form a zone.

- (2) An Officer who applies for a change under sub-rule (1), shall be considered for allotment of a residence desired by him along with the officers whose names are in part B of the Card Index maintained under rule 6, according to their 'priority dates';
- (b) sub-rule (3) shall be omitted and sub-rules (4) and (5) shall be renumbered as sub-rules (3) and (4) respectively;
- (c) in sub-rule (3) as so renumbered—
- (i) for the words, brackets and figure "under sub-rule (3)", the words, brackets and figure "under sub-rule (1)" shall be substituted;
- (ii) the words "for a period of six months from the said date" shall be omitted.

[No. 3/96/57-ACC. II.]

R. C. MEHRA, Under Secy.

MINISTRY OF REHABILITATION

New Delhi, the 21st December 1959

S.O. 34.—Whereas the Central Government is of opinion that it is necessary to acquire certain evacuee properties in the State of Bombay for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons,

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire, and hereby acquires, the evacuee properties specified in the Schedule.

SCHEDULE

Particulars of the properties.

Sl. No.	E.P. No.	Locality	Name of evacuee
1	2	3	4
<i>At Bantwa</i>			
1	A-5	Talao	Haji Habib S/o Haji Pirmohamad
2	A-6	"	"
3	A-7	"	"
4	A-8	"	"
5	A-9	"	"
6	A-10	"	"
7	A-11	"	"
8	A-12	"	"
9	A-13	"	"
10	A-14	"	"
11	A-15	"	"
12	A-16	"	"
13	A-91-A	"	"
14	A-161	"	"
15	A-162	"	"
16	A-193	"	"
17	A-205	"	"

1	2	3	4
18	Shop No. A-16 & 17	Manavadar Road	Haji Habib S/o Haji Pirmohamad.
19	Shop No. 133 to 135	Opposite Vegetable Market.	"
20	B-17	Kharawad	"
21	B-18	"	"
22	B-19	"	"
23	B-19-A	"	"
24	B-19-B	"	"
25	B-19-C	"	"
26	B-19-D	"	"
27	B-19-E	"	"
28	B-19-F	"	"
29	B-19-G	"	"
30	B-19-H	"	"
31	B-19-I	"	"
32	B-19-J	"	"
33	B-30	"	"
34	B-31	"	"
35	B-32	"	"
36	B-33	"	"
37	B-34	Vegetable Market.	"
38	B-51	Nanadia Road	"
39	B-52	"	"
40	B-53	"	"
41	B-54	"	"
42	B-55	"	"
43	B-56	"	"
44	C-60	Mota Zampa	"
45	Shop No. 438-439	"	"
46	519 & 520	"	"
47	521 & 522	"	"
48	F-33	Aslampura	"
49	F-36	"	"
50	F-37	"	"
51	F-38	"	"
52	F-86	"	"
53	F-87	"	"
54	F-101	Aslampura Shahi Bazar	"
55	Shop No. 279 & 280	"	"
56	G-46	"	"
57	G-47	"	"
58	G-48	"	"
59	G-49	"	"
60	G-50	"	"
61	G-51	"	"
62	G-52	"	"
63	G-53	"	"
64	G-54	"	"
65	G-55	Habib Pura	"
66	G-56	"	"
67	G-57	"	"
68	G-58	"	"
69	G-59	"	"
70	G-60	"	"
71	G-61	"	"
72	G-62	"	"
73	G-63	"	"
74	Shop No. 643	Station Road.	"
75	Shop No. 644	"	"
76	Shop No. 645	"	"
77	Shop No. 646	"	"

1	2	3	4
<i>At Veraval</i>			
1	4	Bander Road	Haji Habib S/o Haji Pirmohamad.
2	5	"	"

[No. F. 1(1216)-58/Comp. III/Prop. I]

(Office of the Chief Settlement Commissioner)

New Delhi the 18th December, 1959

S.O. 35.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule below in Bansī, District Nagpur, in the State of Rajasthan for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons including payment of compensation to such persons.

Now, Therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the evacuee properties specified in the schedule below.

THE SCHEDULE

Sl. No.	Locality	Property	Name of the evacuee having Tenancy rights	Description of property
1	2	3	4	5
<i>Village Bansī, District Nagpur, Rajasthan</i>				
1	Nai Gawar	331	Issa s/o Mathu Mohd. Hanif & Mohd. Shafi & Noor Mohd. s/o Issa.	House.
2	Nai Gawar (Belum Gawar)	252	Wazir Ahmed s/o Haji Kasam.	Do.
3	Belum Gawar	248	Haji Hasam s/o Nasirdin	Do.
4	In front of Hasala Court	314	Do.	Do.
5	Belium Gawar	249	Do.	Do.
6	Nai Gawar	197	Hanif s/o Nasirdin	Do.
7	Belium Gawar	222	Issa s/o Usman	Do.
8	Do.	259	Ahmed s/o Adam	Do.
9	Do.	263	Hasham s/o Taj Mohd.	Do. & plot.
		& plot.		
10	Do.	253	Gulam Hussain s/o Nasirdin	Do.
11	Do.	252	Do.	Plot.
12	Do.	254	Gulam Mohd. s/o Issa	Do.
13	Phutpura Nagar	1125	Jahoordin s/o Haji Mohd.	Do.
14	Phutpura	1027	Bhoora s/o Kaloo	Do.
15	Nai Gawar	150	Abdula s/o Haji Mohd.	Do.
16	Belium Gawar	251	Haji Ahmed s/o Asaa.	Do.
17	Belium Gawar	262	Gulam Mustifa s/o Haji Usman.	House.
18	Gahlot Gwar	814	Hasan Mohd. s/o Abdul Latif	Do.
19	Gahlot Gwar	817	Mohd. Sadiq s/o Hussain	Do.
20	Do.	982	Hakim s/o Usman	Do.
21	Do.	845	Anwar Zahoorudin s/o Nasir-din.	Do.
22	Ratwala	339	Moulvi Amir Bux s/o Dildar Bux.	Do.
23	Lamba Gawar	756	Abdul Saleem s/o Abdul Gani	Do.
24	Do.	732	Daud s/o Rahmat	Do.
25	Do.	..	Do.	Nohra.

1	2	3	4	5
26	Phutpara	1065	Gulam Mohd. s/o Kasam	House.
27	Lamba Gawar	428	Umar s/o Wali Qazi	Do.
28	Panjara Gawar	736	Mohd. Ibrahim s/o Haji Kasam	Do.
29	Lamba Gawar	449	Hassan s/o Haji Taj Mohd.	Do.
30	Do.	617	Mohd. Hanif s/o Nasirdin	Do.
31	Do.	675	Mohd. Hanif s/o Issa.	Do.
32	Do.	783	Ibrahim s/o Haji Nasirdin	Do.
33	Do.	780	Haji Daud s/o Haji Nasirdin	Do.
34	Do.	579	Hasan s/o Umer	Do.
35	Do.	681	Ibrahim s/o Umer Ismail	Do.
36	Do.	680	Gulam Mohd. s/o Moosa Haji	Do.
37	Roba Gawar	594	Gulam Musifa s/o Adam	Do.
38	Lamba Gawar	587	Ibrahim s/o Mohd. Lamba	Do.
39	Dilawat Ki Gawari	412	Hasham s/o Ala Bux	Do.
40	Wilawat Ki Gawari	495	Ismail s/o Yakub Ahmed	Do.
41	Do.	495	Gulam Mustifa s/o Hassan	Do.
42	Gahlot Gawar	830	Imam Bux s/o Daud Bux.	Do.
43	Lamba Gawar	641	Mohd. Ghafi s/o Haji Gulam Muftifa	Do.
44	Do.	635	Gulam Hussain s/o Umer.	Do.
45	Do.	636	Hafiz Amir Ahmed s/o Mustifa	Do.
46	Do.	426	Noor Mohd. s/o Issa	Do.
47	Phul para	1031	Gulam Hussain s/o Haji Allahdin	Do.
48	Do.	1032	Abdul Rehman s/o Haji Alla- hdin.	Do.
49	Do.	1033	Hassan Mohd. s/o Moosa	Do.
50	Do.		Do.	Plot.
51	Do.	1030	Gulam Mohd. s/o Ahmed Haju	House.
52	Mandal Gawar	950	Suleman s/o Daud Hasham	Do.
53	Khera Gawar	950	Suleman s/o Daud Hashan	plot.
54	Mandal Gawar	95	Mohd. Shafi & Abdul Khaliq s/o Hashan Mandal	House.
55	Mandal Gawar	94	Gulam Hussain s/o Hashen	Do.
56	Jandafa Gawar	215	Daud s/o Mohd. Jandaran	Do.
57	Lamba Gawar	479	Do.	Do.
58	Do.	623	Gulam Hanif s/o Umer.	Do.
59	Do. }	627	Molvi Sadiq & Gulam Mus- tifa s/o Hasam.	Do.
60	Do.	630	Gulam Mustifa s/o Haji Issa	Do.
61	Do.	818	Nasirdin s/o Umer Boga	Do.
62	Do.	568	Amir Ahmed s/o Hakim Lam- boo	Do.
63	Do. . . . .	..	Jahhorudin & Hashim Mohd. s/o Mohd. Uner.	Plot.
64	Phal para	882	Haji Kasim s/o Ilaji Mulji	House.
65	Do.	881	Do.	Nohra.
66	Ghiban Gawar	384	Ibrahim s/o Haji Mohd.	House.
67	Bangi Gawar	56	Zahhorudin s/o Mohd. Bangi	Do.
68	Do.	45	Noor Mohd. s/o Yakub.	Do.
69	Do.	117	Ibrahim s/o Allah Bux Bangi	Do.
70	Do.	89	Haji Allahdin s/o Moosa & others.	Do.
71	Joindan Gawar	315	Hussain s/o Usman	Do.
72	Lamba Gawar	612	Ibrahim s/o Usman	Do.
73	Do. . . . .	..	Do.	Nohra.
74	Falsa Gawar	903	Nasirdin s/o Usman	House.
75	Do.	901	Do.	Do.
76	Do. . . . .	..	Do.	Open plot.
77	Do.	91	Usman s/o Allah Bux	House.
78	Lamba Gawar	425	Gulam Mustifa s/o Hasham	Do.
79	Do. . . . .	..	Do.	Do.
80	Do. . . . .	..	Amir Ahmed & Luqman s/o Hashan.	Nohra.
81	Nai Gawar	333	Gulam Mustifa s/o Nathu	House.
82	Lamba Gawar	403	Fida Hussain s/o Moosa	Do.
83	Lamba Gawar	643	Usman s/o Kasam	Do.
84	Gawar Basni	467	Moosa s/o Issa.	Do.

New Delhi, the 21st December, 1959

S.O. 36.—In exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby directs that the following amendment shall be made and shall be deemed always to have been made in the notification of the Government of India in the Ministry of Rehabilitation No. S. III-3(4)/55 dated the 14th February, 1956, namely:—

In the said notification, in the entries below the heading 'District Saharanpur', the following entries shall be omitted, namely:—

"269	411 414	0-5-0 1-19-0	Do.	Sri Atta Mohd Khan S/o Nasir Ullah Khan.
		2-4-0		
270	474M	0-16-0	Do.	Do."

[No. 1(3)(2)/56-SIII/Policy II.]

New Delhi, the 23rd December, 1959

S.O. 37.—In exercise of the powers conferred by Clause (a) of Sub-Section (2) of Section 16 of the Displaced Persons (Comp & Rehab) Act No. 44 of 1954, the Central Government hereby appoints, for the Union territory of Delhi, Shri B. R. K. Bhatnagar, for the time being holding the post of Settlement Officer (Sales) under the Regional Settlement Commissioner-cum-Custodian of Evacuee Property, Delhi, as Managing Officer, for the custody, management and disposal of compensation pool with effect from the date he took over charge of his post.

[No. 16(17)-Admn (Prop)/59.]

New Delhi, the 28th December, 1959

S.O. 38.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby confers upon Shri Anant Ram Malhotra, Assistant Settlement Commissioner Incharge, Patiala Region, the powers of Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the said Act, with effect from 3rd December, 1959.

[No. 6/19/55-SII/Admn(R).]

M. L. PURI,
Settlement Commissioner &
Ex-Officio Under Secy.

DELHI DEVELOPMENT AUTHORITY

New Delhi, the 29th December, 1959

S.O. 39.—In pursuance of the Provisions of Sub-Section (4) of Section 22 of the Delhi Development Act, 1957, it is hereby notified that the Delhi Development Authority has replaced at the disposal of the Central Government the land described in the schedule below for placing it at the disposal of the Directorate of Education, Delhi for the construction of Gandhi Memorial Craft Higher Secondary School.

SCHEDULE

Land measuring 3.00 acres situated in Chiragah North Estate represented by Khasra No. 223/222 Min and bounded as follows:—

North: Private Land.
South: G. T. Road.
East: Fire Brigade, Shahdara.
West: Nazul Land.

[No. L. 1(16)54 pt.]

S.O. 40.—In pursuance of the provisions of Sub-Section (4) of Section 22 of the Delhi Development Act, 1957, it is hereby notified that the Delhi Development Authority has replaced at the disposal of the Chief Commissioner, Delhi the land described in the schedule below for placing it at the disposal of Municipal Corporation of Delhi for the construction of residential quarters for the Fire Service Staff at Shahdara.

SCHEDULE

Land measuring 6 Bighas 10 Biswas situated at Charagha North bearing Khasra No. 223/222/20 Min. and bounded as follows:—

North: Private Land.
 South: Fire Brigade Building.
 East: Police Station Shahdara
 West: Open land of Gandhi Memorial Craft High School.

[No. L. 1(11)57.]

M. L. GUPTA, Secy.

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 22nd December, 1959.

S.O. 41.—In exercise of the powers conferred by sub-section (1) of section 3, read with section 4 and sub-section (2) of section 5 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government, after considering the advice of the Committee appointed under sub-section (1) of section 5 of the said Act, hereby fixes minimum rates of wages payable to the employees specified in the Annexure and directs that this notification shall come into force on and from the 30th December 1959.

ANNEXURE

- (1) Initial wage fixation for the employees employed on the construction or maintenance of roads or in building operations in collieries under the control of the National Coal Development Corporation Limited, Ranchi—

Categories of employees	All inclusive minimum rates of wages per day
<i>In Coal mines</i>	
Unskilled	Rs. 2/10/6
Semi-skilled	Rs. 2/14/8
Skilled	Rs. 3/12/-
<i>In Development areas</i>	
Unskilled	Rs. 1/8/-
Semi-skilled	Rs. 2/4/-
Skilled	Rs. 3/-

N.B. :—If the National Coal Development Corporation Limited, engages contractors for similar work, the above rates will be applicable to labour engaged by contractors also.

- (2) Initial wage fixation for employees employed in the maintenance of Archaeological gardens at Delhi, Agra, Deeg and Khajuraho. (Madhya Pradesh).

Categories of employees	All inclusive minimum rates of wages per day
DELHI	
<i>Unskilled</i>	
1. Man }	Rs. 2.25
2. Woman }	
AGRA & LUCKNOW	
1. Man }	Rs. 2/-
2. Woman }	
DEEG (Distt. Bharatpur, Rajasthan)	
1. Man }	Rs. 1.87
2. Woman }	
KHAJURAO (Distt. Chattarpur, Madhya Pradesh)	
1. Man }	Rs. 1.87
2. Woman }	

- (3) Initial wage fixation for certain classes of employees employed on the construction or maintenance of roads or in building operations in the Port of Cochin, Willington Island.

Categories of employees		All inclusive minimum monthly rates of wages
Serang-Pile driving pontoon with boiler	.	Rs. 80/-
Driver	Do.	Rs. 90/-
Greaser	Do.	Rs. 70/-
Greaser-cum-Fireman	Do.	Rs. 75/-
Lascar	Do.	Rs. 70/-
Driver Steamerane	Do.	Rs. 90/-
Fireman	Do.	Rs. 75/-
Driver Tractor with Bull Dozer	.	Rs. 110/-

- (4) Initial wage fixation for certain classes of employees employed on the construction or maintenance of roads or in building operations and in stone breaking or stone crushing in the Vizagapatam Port.

Categories of employees		All inclusive minimum monthly rates of wages
<i>Class IV staff</i>		
Carpenter -B.T.M.	}	Rs. 75/-
Mason—B.T.M.		
Mate		
Khallasi		
Khallasi (shore)		
Boy Khallasi	}	Rs. 70/-

- (5) Initial wage fixation for certain categories of agricultural employees employed in the Indian Institute of Sugar Cane Research, Lucknow.

Categories of employees	All inclusive minimum rates of wage per day
Agricultural labourers (Men and Women)	Rs. 1.37

- (6) Initial wage fixation for certain categories of agricultural employees employed at the Sugar Cane Breeding Institute, Coimbatore.

Categories of employees	All inclusive minimum daily rates of wages
1. Agricultural labourers (men & women)	Rs. 1.37
2. Agricultural labourers (below 18 years of age)	Rs. 1/-

(7) Initial wage fixation for certain classes of monthly and daily rated employees employed on the construction or maintenance of roads or in building operations in the Kandla Port, Gopalpuri, New and Old Kandla.

Categories of employees	All inclusive minimum monthly rates of wages
(1)	(2)
<i>Monthly rated employees</i>	
1. Mason I Class	Rs. 110/-
2. Carpenter I Class	
3. Blacksmith I Class	
4. Blacksmith II Class	Rs. 80 -
5. Fitter I Class	Rs. 110/-
6. Painter I Class	
7. Tinsmith I Class	
8. Electrician I Class	Rs. 125/-
9. Oilman	Rs. 90/-
10. Engine Driver	Rs. 110/-
11. Maistry	Rs. 110/-
12. Hole Driller for Blasting	Rs. 110/-
13. Hammerman	Rs. 75/-
14. Bellowman	Rs. 70/-
15. Khalasi (Marine)	Rs. 70/-
16. Fireman	Rs. 90/-
17. Sweeper	Rs. 70/-
18. Driver	Rs. 150/-

Daily rated workers

Categories of employees	All inclusive minimum rates of wages per day
(1)	(2)
1. Mazdoor I Class	Rs. 5/-
2. Mason II Class	Rs. 4.50
3. Mason III Class	Rs. 4/-
4. Carpenter I Class	Rs. 5/-
5. Carpenter II Class	Rs. 4.50
6. Carpenter III Class	Rs. 4/-
7. Blacksmith I Class	Rs. 5/-
8. Blacksmith II Class	Rs. 4/-
9. Blacksmith III Class	Rs. 3/-
10. Fitter cum Mechanic	Rs. 5/-
11. Fitter I Class	Rs. 5/-
12. Fitter II Class	Rs. 4/-
13. Painter I Class	Rs. 4/-
14. Painter II Class	Rs. 3/-
15. Tinsmith I Class	Rs. 5/-
16. Tinsmith II Class	Rs. 4/-
17. Electrician I Class	Rs. 6 -
18. Electrician II Class	Rs. 5/-
19. Electrician III Class	Rs. 4/-
20. Mechanic	Rs. 5/-
21. Plumber	Rs. 4.50
22. Oilman	Rs. 3/-
23. Engine Driver	Rs. 4/-
24. Mate	Rs. 2/-
25. Maistry	Rs. 4/-
26. Assistant Maistry	Rs. 3/-

1)	(2)
27. Stone Chiseller	Rs. 4/-
28. Stone breaker	Rs. 2.75
29. Hole Driller for Blasting	Rs. 2.75
30. Khalasi/Beldar	Rs. 2.25
31. Hammer Man	Rs. 2.25
32. Bellow Man	Rs. 2.25
33. Jamadar Semi-skilled	Rs. 2.25
34. Mazdoor (Adult male)	Rs. 2/-
35. Mazdoor (Adult Female)	Rs. 1.75
36. Mazdoor (Below 18 years of age)	Rs. 1.50
37. Glazier	Rs. 4/-
38. Mason for tile flooring	Rs. 5/-
39. Fireman	Rs. 3/-
40. Sweeper	Rs. 2/-
41. Driver	Rs. 5/-

(8) Initial wage fixation for certain categories of agricultural employees employed in Southern Regional Station of the National Dairy Research Institute, Bangalore.

Categories of employees	All inclusive minimum rates of wages per day.
(1) Male and female labourers for miscellaneous work like transporting goods and parcels, sweeping, watching etc.	Rs. 1 50
(2) Male labourers to work in cattle-yard such as Gowalas, Bull-man etc.	Rs. 2 -
(3) Male and female labourers to work in cultivation section like ploughing, carting, manuring, bundling, irrigating, weeding, running the irrigation pumps etc.	Rs. 1.50
(4) Mazdoor (below 18 years of age) for harvesting and silage making.	Rs. 1/-

[No. LWI(1)6(22)/59]
K. D. HAJELA, Under Secy.

New Delhi, the 23rd December 1959

S.O. 42.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the matter of applications under Section 33A of the said Act from certain workmen of the Palana Colliery.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI.

PRESENT

Shri E. Krishna Murti, Central Government Industrial Tribunal.

The 27th November 1959

APPLICATION U/S 33A OF THE INDUSTRIAL DISPUTES ACT, 1947.

I. D. No. 335 of 1959.

BETWEEN

Shri Aidan s/o Shivkaran Singh, Register Clerk, Palana Colliery c/o Palana Colliery Mazdoor Union, Khazanehi Building, K.E.M. Road, Bikaner..... Applicant.

AND

The Management of Palana Colliery, Palana.... Opposite Party.

In the matter of Reference I. D. No. 81 of 1958.

Dr. Jawahar Lal for the applicant.

Shri M. G. Fell for the opposite party.

AWARD.

This is petition under Section 33A of the Industrial Disputes Act.

2. It is alleged in the petition, that the opposite party had altered to the prejudice of the petitioner the conditions of service, applicable to him, during the pendency of I. D. No. 81 of 1958, that various alterations had been introduced, and that suitable relief should be granted to him.

3. In a further petition filed for amendment, I.A. No. 44A of 1959, which was allowed the petitioner alleged, that the petitioner's employment had been terminated in violation of the conditions of service, applicable to him, and that he was entitled to be re-instated in employment, with full wages from the termination of employment till re-instatement.

4. The contention on behalf of the management is, that there has been no alternation in the conditions of service, that approval has been given to the management for termination of the service of the applicant, that there has been no contravention of Section 33, and that the application must be dismissed.

5. The issues, that arise for determination, are:—

- (1) Whether there is a contravention of Section 33 of the Industrial Disputes Act?
- (2) Whether the termination of service of the workman is lawful and justified?
- (3) Whether the workman is entitled to re-instatement, and/or compensation?
- (4) To what relief, if any, is the petitioner entitled?

Issue No. 1.

6. This is an application under Section 33A of the Industrial Disputes Act, filed by Shri Aidan, who was an employee of the Palana Colliery, Palana.

7. Firstly a petition was filed on behalf of the petitioner, bearing the date 25th February, 1959. Therein it is alleged, that the conditions of service of the workman had been altered in various ways. Secondly, I. A. No. 44A of 1959 was filed for permission to amend the application, and therein it is asserted, that the management had terminated employment of the petitioner in violation of the conditions of service applicable to him, and that he was entitled to re-instatement, together with back wages. This amendment was allowed. It may be stated, at the outset, that no evidence has been led on behalf of the workman in respect of the various alleged alterations in the conditions of service, as set out in the petition, dated 25th February, 1959. In fact Dr. Jawahar Lal did not argue anything about the same, and stated, that he was not pressing the same. Dr. Jawahar Lal for the petitioner pressed the petition only with reference to the allegations in I. A. No. 44A and adduced documentary evidence in respect thereof. Therefore, we are now concerned in this petition with the second of the contentions raised on behalf of the workman, namely, about the alleged wrongful termination of service, and the claim for re-instatement.

8. Now turning to the documents, Ext. W/1 is a copy of the charge sheet dated 7th July, 1958, that was served on Shri Aidan. The workman was charged with falsely presenting Shri Bhanaram before the Medical Officer, Palana Colliery, for medical treatment, on 2nd July, 1958, and falsely obtaining free medicines, from the Colliery Stores for the above person's treatment. The workman was asked to furnish his explanation. Ext. W/2 has been produced as containing the rules relating to supply of medicines and treatment at the dispensary. Ext. W/6 is the report of the Medical Officer, Shri B. L. Gupta, to the Mines Manager, that Shri Aidan, Register Clerk, had introduced one Shri Bhanaram, as his father, and that he had obtained medicines and treatment on such representation. The medical officer requested the Manager to look into the matter. Ext. W/4 is the letter from the Director of Mines and Geology, to the Mines Manager, approving the proposal for termination of service of Shri Aidan. Ext. W/5 is the letter of termination of service from 1st September, 1958, and Shri Aidan was directed to receive his salary for the month of August, 1958.

9. The contention raised before me on behalf of the workman is, that the termination of service is opposed to Section 33 of the Industrial Disputes Act, that Shri Aidan is not guilty in any manner of the charge against him, and that he

should be re-instated in service. In the first place, the contention is raised that the termination of service is opposed to Section 33(1) of the Industrial Disputes Act, and that the previous permission of the Tribunal should have been obtained for termination of service. I am unable to agree, with this contention. It can by no means be said, that the alleged action against Shri Aidan is connected with the dispute in I. D. No. 81 of 1958, which related to the fixation of wages structure. In my opinion, Section 33(1) has no application to the facts of this case.

10. In the second place, it can be seen, that Section 33(2) applies to the facts of the present case. The management did file an application for approval of the action taken by them, i.e., under Section 33(2) of the Industrial Disputes Act. This is O. P. No. 59 of 1958. By order, dated 14th April, 1959 approval was given to the action of the management, and the said petition (O. P. No. 59 of 1958) was allowed, as prayed for. It was found therein, that there was a *prima facie* case made out for termination of service of the workman, Shri Aidan. The management did file an application for approval of the action taken by them, and such approval was granted. It is difficult to hold, that there has been any contravention of Section 33(2) on the facts of this case. The management have followed the procedure prescribed under Section 33(2).

11. When there has been no contravention of Section 33, this petition under Section 33A of the Industrial Disputes Act is not maintainable. An application under Section 33A can lie when an employer contravenes the provisions of Section 33. In the latest decision of the Supreme Court in the Punjab National Bank Ltd., Vs. Their workmen (1959 11 LLJ 666), it is observed at page 680, that Section 33A enables an employee aggrieved by contravention of Section 33 to make complaint in writing in the prescribed manner to the Tribunal. By that section, an employee aggrieved by a wrongful order of dismissal passed against him in contravention of Section 33 is given a right to move the Tribunal in redress of his grievances, without having to take recourse to Section 10 of the Act. Thus the contravention of Section 33 is a condition precedent to the maintainability of an application under Section 33A of the Act. In view of the facts, set out above, it is obvious, that the management had obtained approval of the action taken by them under Section 33(2), and there is no contravention of Section 33 in any manner whatsoever. As pointed out in the decision in Automobile Products of India Vs. Rukmaji Bala (1955 1 LLJ 346), and also in the decision of the Punjab National Bank Ltd., cited above, even if the required approval is granted under Section 33, that would not be the end of the matter. That merely removes the ban imposed by Section 33, and does not validate the order of dismissal. The validity of the order of dismissal can be and is often challenged by the Union by raising an Industrial Dispute in that behalf. As pointed out in the decision of the Supreme Court in Lakshmi Devi Sugar Mills Ltd., Vs. Ram Sarup and others (1957 1 LLJ 17) if the ban which is imposed by Section 33, is lifted, and permission is granted, then it would be open to the workman to raise an industrial dispute, which would have to be referred to the appropriate tribunal for adjudication, by the Government, on proper steps being taken in this behalf. The petitioner has misconceived his remedy and the present petition, as brought is not maintainable.

Issue No. 2 and 3.

12. When the petition, as brought, is not maintainable under Section 33A, the questions relating to the justification and validity of the order passed by the management, do not arise for decision, and they are left open for determination, as and when they arise.

Issue No. 4.

13. As the petition is not maintainable under Section 33A, the petitioner is not entitled to any relief.

14. In the result, the petition is dismissed. No order as to costs.

15. An award is passed accordingly.

(Six pages).

27th November, 1959.

E. KRISHNA MURTI,
Central Government Industrial Tribunal, Delhi.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT

Shri E. Krishna Murthi, Central Government Industrial Tribunal.

27th November 1959

Applications U/S 33A of the Industrial Disputes Act, 1947.

I.D. No. 450 of 1959.

Between Shri Lalu Ram s/o Shera Ram, Coal Cutter.

I.D. No. 451 of 1959.

Between Shri Kirta Ram s/o Kesara Ram, Coal Cutter.

I.D. No. 452 of 1959.

Between Shri Lalu Ram s/o Bhairun Ram, Coal Cutter.

I.D. No. 453 of 1959.

Between Shri Adu Ram s/o Bhairun Ram, Coal Cutter.

I.D. No. 454 of 1959.

Between Shri Adu Ram s/o Prabha Ram, Coal Cutter.

I.D. No. 455 of 1959.

Between Shri Rekha Ram s/o Chalra Ram, Coal Cutter.

I.D. No. 456 of 1959.

Between Shri Dhura Ram s/o Nanda Ram, Coal Cutter.

I.D. No. 457 of 1959.

Between Shri Adu Ram s/o Puran Ram, Coal Cutter.

I.D. No. 458 of 1959.

Between Shri Sugna Ram s/o Licha Ram, Coal Cutter.

I.D. No. 459 of 1959.

Between Shri Narain Ram s/o Peera Ram, Coal Cutter.

I.D. No. 460 of 1959.

Between Shri Phusa Ram s/o Adog Ram, Coal Cutter.

I.D. No. 461 of 1959.

Between Shri Rewant Ram s/o Jetha Ram, Coal Cutter.

I.D. No. 462 of 1959.

Shri Udai Ram s/o Banna Ram, Coal Cutter.

I.D. No. 463 of 1959.

Between Shri Asu Ram s/o Purkha Ram, Coal Cutter.

I.D. No. 464 of 1959.

Between Bhanwar Singh s/o Jor Singh.

I.D. No. 465 of 1959.

Between Shri Kistur Ram s/o Ishar Ram.

I.D. No. 466 of 1959.

Between Shri Jabar Deen s/o Jamal Khan, helper to Onsetter

I.D. No. 467 of 1959.

Between Shri Heera Ram s/o Bherun Ram, Trammer.

I.D. No. 468 of 1959.

Between Shri Chuna Ram s/o Banna Ram under ground Trammer.

- I.D. No. 469 of 1959
Shri Adoo Ram s/o Mana Ram, Cartman
- I.D. No. 470 of 1959.
Between Shrimati Hemali d/o Bhikha Ram, Surface mazdoorin.
- I.D. No. 471 of 1959.
Between Shrimati Kheturi d/o Tiku Ram, Wagon Loader.
- I.D. No. 472 of 1959.
Between Shrimati Sadu d/o Rakoo Ram, Wagon Loader.
- I.D. No. 473 of 1959.
Between Shrimati Soni d/o Panna Ram, Wagon Loader
- I.D. No. 474 of 1959.
Between Shrimati Panki d/o Kumbha Ram, Wagon Loader.
- I.D. No. 475 of 1959.
Between Shri Khena Ram s/o Durga Ram.
- I.D. No. 476 of 1959
Tulchha Ram s/o Sardara Ram
- I.D. No. 477 of 1959.
Between Shri Chatra Ram s/o Shera Ram, Mason under ground.
- I.D. No. 478 of 1959.
Between Shri Teja Ram s/o Dana Ram, Surface Trammer.
- I.D. No. 479 of 1959.
Between Shri Bhagwana Ram s/o Rawat Ram, Surface Trammer.
- I.D. No. 480 of 1959.
Between Shri Jetha Ram s/o Purba Ram, Surface Trammer.
- I.D. No. 481 of 1959.
Between Shri Kaloo Ram s/o Shera Ram, Wagon Loader.
- I.D. No. 482 of 1959.
Between Shri Poorba Ram s/o Jiwan Ram.
- I.D. No. 483 of 1959.
Between Shrimati Meeran d/o Bherun Ram, Wagon Loader.
- I.D. No. 484 of 1959.
Between Shrimati Govarli d/o Hanuta Ram, Wagon Loader.
- I.D. No. 485 of 1959.
Between Shrimati Gogali d/o Jetha Ram.
- I.D. No. 486 of 1959.
Between Shri Jiwan Ram s/o Balu Ram, Mining Sardar
- I.D. No. 487 of 1959.
Between Shri Kirta Ram s/o Bhairan Ram, Surface Mazdoor.
- I.D. No. 488 of 1959.
Between Shri Pooran Ram s/o Lachhman Ram, Onsetter.
- I.D. No 489 of 1959.
Between Shri Sheo Ram s/o Amra Ram, Timber Man.
- I.D. No. 490 of 1959.
Between Shri Chima Ram s/o Kaloo Ram, Timber Mazdoor.
- I.D. No. 491 of 1959.
Between Shri Saradara Ram s/o Amra Ram, Surface Trammer.

- I.D. No. 492 of 1959.
Between Shri Ram Lal s/o Dungar Ram, Coal Cutter.
- I.D. No. 493 of 1959.
Between Shri Asu Ram s/o Sawanta Ram.
- I.D. No. 494 of 1959.
Between Shri Kumbha Ram s/o Phusa Ram.
- I.D. No. 495 of 1959.
Between Shri Sukh Ram s/o Deba Ram.
- I.D. No. 496 of 1959.
Between Shri Heera Ram s/o Nanu Ram.
- I.D. No. 497 of 1959.
Between Shri Nimba Ram s/o Nana Ram.
- I.D. No. 498 of 1959.
Between Shri Rama Ram s/o Purkha Ram.
- I.D. No. 499 of 1959.
Between Shri Shera Ram s/o Panna Ram.
- I.D. No. 500 of 1959.
Between Shri Asha Ram s/o Sizi Ram.
- I.D. No. 501 of 1959.
Between Shri Hema Ram s/o Chaina Ram.
- I.D. No. 502 of 1959.
Between Shri Kheraj Ram s/o Pema Ram.
- I.D. No. 503 of 1959.
Between Shri Mehraj Ram s/o Khema Ram.
- I.D. No. 504 of 1959.
Between Shri Prahlad Ram s/o Uda Ram.
- I.D. No. 505 of 1959.
Between Shri Lurga Ram s/o Bhaiya Ram.
- I.D. No. 506 of 1959.
Between Shri Kishna Ram s/o Mala Ram.
- I.D. No. 507 of 1959.
Between Shri Ganga Ram s/o Bhalrun Ram.
- I.D. No. 508 of 1959.
Between Shri Phusa Ram s/o Ganga Ram.
- I.D. No. 509 of 1959.
Between Shri Ghasi Ram s/o Baxa Ram.
- I.D. No. 510 of 1959.
Between Dhura Ram s/o Hazari Ram.
- I.D. No. 511 of 1959.
Between Shri Hardas Ram s/o Chaina Ram.
- I.D. No. 512 of 1959.
Between Shri Heera Ram s/o Sawanta Ram.
- I.D. No. 513 of 1959.
Shri Peer Bux s/o Jamal Khan, Timber man.
- I.D. No. 514 of 1959.
Shri Bhopal Singh s/o Gulab Singh.

- I.D. No. 515 of 1959.
Shri Rewant Ram s/o Koza Ram.
- I.D. No. 516 of 1959.
Shri Poorba Ram s/o Dhanna Ram,
- I.D. No. 517 of 1959.
Shri Thakar Ram s/o Jiwan Ram.
- I.D. No. 518 of 1959.
Shri Mangla Ram s/o Nanda Ram.
- I.D. No. 519 of 1959.
Shri Phusa Ram s/o Jiwan Ram.
- I.D. No. 520 of 1959.
Shri Padma Ram s/o Kishna Ram.
- I.D. No. 521 of 1959.
Shri Hema Ram s/o Shera Ram.
- I.D. No. 522 of 1959.
Shri Dula Ram s/o Bherun Ram.
- I.D. No. 523 of 1959.
Shri Moola Ram s/o Shri Imarta Ram.
- I.D. No. 524 of 1959.
Shri Dula Ram s/o Sanwata Ram.
- I.D. No. 525 of 1959.
Shri Adoo Ram s/o Shri Ladhu Ram.
- I.D. No. 526 of 1959.
Shri Kaloo Ram s/o Adoo Ram.
- I.D. No. 527 of 1959.
Shri Dhura Ram s/o Arneda Ram.
- I.D. No. 528 of 1959.
Shri Loona Ram s/o Hema Ram, Surfaceman.
- I.D. No. 529 of 1959.
Shri Akoora Ram s/o Adoo Ram.
- I.D. No. 530 of 1959.
Shri Gopi Ram s/o Nanak Ram, Surface Trammer.
- I.D. No. 531 of 1959.
Shri Narain Ram s/o Dhoora Ram, Wagon Loader.
- I.D. No. 532 1959.
Shri Bhura Ram s/o Hardass, Surface Mazdoor.
- I.D. No. 533 of 1959.
Shri Moti Ram s/o Nanda Ram, Pointsman.
- I.D. No. 534 of 1959.
Shri Ashu Ram s/o Laloo Ram, Coal Cutter.
- I.D. No. 535 of 1959.
Shri Siya Ram s/o Amra Ram, Coal Cutter.
- I.D. No. 536 of 1959.
Shri Megha Ram s/o Tulsha Ram, Coal Cutter.
- I.D. No. 537 of 1959.
Shri Khema Ram s/o Biran Ram, Coal Cutter.

- I.D. No. 538 of 1959.
Shri Magha Ram s/o Ladhu Ram.
- I.D. No. 539 of 1959.
Shri Poora Ram s/o Anna Ram, Coal Cutter.
- I.D. No. 540 of 1959.
Shri Dhura Ram s/o Chima Ram.
- I.D. No. 541 of 1959.
Shri Bhera Ram s/o Anna Ram.
- I.D. No. 542 of 1959.
Shri Poora Ram s/o Ladha Ram.
- I.D. No. 543 of 1959.
Shri Hema Ram s/o Kheta Ram.
- I.D. No. 544 of 1959.
Shri Guna Ram s/o Kheta Ram.
- I.D. No. 545 of 1959.
Shri Banna Ram s/o Bhera Ram.
- I.D. No. 546 of 1959.
Shri Mala Ram s/o Dhanna Ram.
- I.D. No. 547 of 1959.
Shri Adu Ram s/o Kheraj Ram.
- I.D. No. 548 of 1959.
Shri Dhura Ram s/o Keshwa Ram.
- I.D. No. 549 of 1959.
Shri Ganga Ram s/o Sri Ram, Watchman.
- I.D. No. 554 of 1959.
Shri Ram Swaroop Ram s/o Narain Ram.
- I.D. No. 555 of 1959.
Shri Ratna Ram s/o Uda Ram
- I.D. No. 556 of 1959.
Shri Keshora Ram s/o Natha Ram, Chowkidar.
- I.D. No. 557 of 1959.
Shrimati Riddhura d/o Kana Ram.
- I.D. No. 558 of 1959.
Shri Gulab Rai.
- I.D. No. 560 of 1959.
Shri Udai Ram s/o Jesa Ram.
- I.D. No. 561 of 1959.
Shri Ram Lal.
- I.D. No. 562 of 1959.
Shri Bhaira Ram s/o Uda Ram.
- I.D. No. 563 of 1959.
Shri Lalu Ram s/o Anna Ram.
- I.D. No. 564 of 1959.
Shri Dhura Ram s/o Baira Ram.

I.D. No. 565 of 1959.

Shri Bhaira Ram s/o Sura Ram.

I.D. No. 566 of 1959.

Shrimati Lichhina d/o Khinya Ram.

I.D. No. 567 of 1959.

Shri Shera Ram s/o Ridha Ram.

I.D. No. 568 of 1959.

Shri Shera Ram s/o Girdhari Ram.

I.D. No. 569 of 1959.

Shri Kana Ram s/o Bhaira Ram.

I.D. No. 570 of 1959.

Shri Sada Sukh s/o Chuna Ram.

I.D. No. 571 of 1959.

Shri Natha Ram s/o Kishna Ram.

I.D. No. 572 of 1959.

Shri Purkha Ram s/o Harji Ram.

I.D. No. 573 of 1959.

Shri Dhura Ram s/o Kumba Ram, represented by the Palana Colliery, Mazdoor Union, Administrative Office, Khazanchi Building, K.E.M. Road, Bikaner—Applicants.

AND

The Management of Palana Colliery, Palana (Rajasthan)—*Opposite Party.*

In the matter of reference I.D. No. 81 of 1958.

Dr. Jawahar Lal *for the applicants.*

Shri M. G. Fell *for the opposite party.*

AWARD

These are several petitions filed on behalf of the several workmen employed in the Palana Colliery, Palana, under Section 33A of the Industrial Disputes Act.

2. The allegations in the several petitions are practically identical, and they are to the effect, that the management have altered, to the prejudice of the several petitioners, the conditions of service applicable to them, immediately before the commencement of the proceeding in I.D. No. 81 of 1958, that various changes have been introduced in the conditions of service with a view to victimisation of the several workmen, that the opposite party has brought into force the alteration in the conditions of service in contravention of Section 9A, and in contravention of the provisions of Section 33(1) (a), or (b), and that the several petitioners are, therefore, entitled to enjoy the same conditions of service as were applicable to them immediately before the commencement of the proceedings in I.D. No. 81 of 1958.

3. A common counter statement has been filed in reply to all the several petitions on behalf of the management, and it is to the effect, that there has been no alteration, to the prejudice of the complainants, in the conditions of service, applicable to them, that the Standing Orders have been modified by virtue of the provisions of the Industrial Employment (Standing Orders) Act, that the conditions of service, applicable to the workmen, are according to the said Standing Orders, that there has been no contravention of Section 9A or Section 33 of the Industrial Disputes Act, and that the several applications are not maintainable.

4. The issues, that arise for determination, are:—

- (1) Whether there is a contravention of Section 33 of the Industrial Disputes Act?
- (2) Whether the several applications are maintainable?
- (3) To what relief, if any, are the several petitioners entitled?

Issues No. 1 and 2.

5. All these petitions have been heard together at the request of the parties, and are disposed of by a common judgment. No evidence, either oral or documentary, has been adduced before me in these petitions, on either side.

6. In all the several petitions, which have been filed by several employees of the Palana Colliery, Palana, and in which the allegations are practically identical the complaint alleged is, that there has been an alteration of the conditions of service of the several workmen. It is contended on behalf of the several petitioners by Dr. Jawahar Lal, that the management have contravened Section 33(1)(a) and (b) of the Industrial Disputes Act, that the previous permission in writing of the Tribunal should have been obtained for such alteration in the conditions of service, and that, in these circumstances, there is contravention of Section 33. It is well settled, that no petition can lie under Section 33A of the Industrial Disputes Act unless there is a contravention of Section 33. In fact the contravention of Section 33 is a condition precedent to the maintainability of an application under Section 33A, the contention on behalf of the several petitioners is, that Section 33(1)(a) and (b) have been contravened, because the management, with a view to victimise the several workmen, altered their conditions of service. A perusal of the several petitions would show, that the alleged alteration of the conditions of service is said to be due to a change in the Standing Orders. What is asserted in the several petitions is, that in place of the Standing Orders, as they originally stood, new Standing Orders had been brought into force, governing the conditions of service of the several workmen, and that the change introduced by the management, on the basis of the modified Standing Orders offends Section 33(1)(a) of the Industrial Disputes Act. It is common ground, that the Standing Orders, as they originally stood, were certified on 12th September 1955. There was an application on behalf of the management for modification of the Standing Orders. The Standing Orders were modified by order of the Certifying Officer on 15th June 1957. The Palana Colliery Mazdoor Union on behalf of the workmen preferred an appeal before the Appellate Authority, the Chief Labour Commissioner. The Appellate Authority are sent under sub-section (2) of Section 6. Under Section 10 appeal filed by the Union. As a result of the confirmation by the Appellate Authority of the modifications introduced in the Standing Orders, the modified Standing Orders came into operation on the expiry of seven days from the date on which the order of the Appellate Authority was sent to the parties, as provided under Section 6(2) of the Industrial Employment (Standing Orders) Act. It is by way of complaint against the modified Standing Orders, as finally confirmed by the Appellate Authority, that the workmen have filed the present petitions under Section 33A of the Industrial Disputes Act. It cannot be denied, that certain alterations have been introduced in the terms and conditions of service of the workmen by reason of the modified Standing Orders, but this was not done as a result of any unilateral action taken by the management. This was done by the statutory authority under the provisions of the Industrial Employment (Standing Orders) Act. The change has been brought about as a result of the statutory provisions. I fail to see how, in such circumstances, it can be held, that the management is guilty of contravention of either Section 33(1) or 33(2). The management are acting only according to the Standing Orders, as finally approved by the Appellate Authority.

7. There is no point also in the objections raised on behalf of the workmen, that the management have contravened also Section 9A of the Industrial Disputes Act. There was no need at all for the management to have resorted to Section 9A for the purpose of getting the Standing Orders modified. The said Standing Orders can be modified by reason of the provisions in the Industrial Employment (Standing Orders) Act. The said Standing Orders, as certified by the Certifying Officer, and confirmed by the Appellate Authority, cannot be questioned except in the manner provided under the Industrial Employment (Standing Orders) Act. Under Section 7 the Standing Orders shall come into operation, unless an appeal is preferred, on expiry of 7 days from the date on which copies of the orders of the Appellate Authority up-held the Standing Orders as modified, and rejected the order of the said Act, Standing Orders finally certified under this Act, shall not except on agreement between the employer and the workmen, be liable to modification, until the expiry of six months from the date on which the Standing Orders or the last modification thereof came into operation. In view of these statutory provisions, the several petitioners have no right to complain under Section 9A or 33A of the Industrial Disputes Act, that there has been an alteration of the conditions of service to their prejudice by the management. The alteration, if any, under the New Standing Orders have been brought about by reason of the provisions of the

Industrial Employment (Standing Orders) Act, and there is no question of taking any permission under Section 33(1), or of obtaining approval under Section 33(2). The workmen are governed by the modified Standing Orders, as settled finally by the Appellate Authority. I find that there is no contravention of Section 33 of the Industrial Disputes Act, and these several petitions are not maintainable.

Issue No. 3.

7. In the view, that I have taken, that the several petitions are not maintainable under Section 33A, the workmen are not entitled to any relief.

8. In the result, the several petitions are dismissed, as not maintainable. No order as to costs.

9. An award is passed accordingly in each of the said petitions, as stated above.

(Eleven pages).

27th November, 1959.

E. KRISHNA MURTI.

Central Govt. Industrial Tribunal: Delhi.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT

Shri E. Krishna Murti, Central Govt. Industrial Tribunal

27th November, 1959.

APPLICATION U/S. 33A OF THE INDUSTRIAL DISPUTES ACT, 1947

I. D. No. 319 of 1959

BETWEEN

Abhey Nath s/o Modulal Naik, Bonus Clerk-Palana Colliery, c/o Palana Colliery Mazdoor Union, Administrative Office Khazanchi Building, K. E. M. Road, Bikaner—Applicant.

AND

The management of Palana Colliery, Palana (Rajasthan)—Opposite Party.

In the matter of Reference I.D. No. 81 of 1958.

Dr. Jawahar Lal for the applicant.

Shri M. G. Fell for the opposite party.

AWARD

This is a petition under Section 33A of the Industrial Disputes Act.

2. The petitioner alleges, that the respondent, the management of Palana Colliery, Palana have altered, to the prejudice of the workman, the conditions of service applicable to him, that there has been clear breach of the Standing Orders in various ways, and as detailed in the petition, that the petitioner's service were terminated by the management in violation of the conditions of service applicable to him, and that the petitioner is entitled to be re-instated in service as Bonus Clerk, with full wages upto the date of re-instatement.

3. The management contend, that the conditions of service applicable to the workman have not been changed to his prejudice, as alleged, that there has been no contravention of Section 33 of the Industrial Disputes Act, that the question of punishment is not within the scope of the present proceedings, that the action of the management in terminating the service of the petitioner had been approved by the Industrial Tribunal, that there has been no contravention of Section 33, that the application is not competent, and that it should be dismissed.

4. The issues, that arise for decision, are:—

- (1) Whether there is a contravention of Section 33 of the Industrial Disputes Act?
- (2) Whether this petition, as brought, is maintainable?
- (3) Whether the termination of service of the petitioner is lawful and justified?

- (4) Whether it is wrongful and in valid, as contended on behalf of the workman?
- (5) Whether the petitioner is entitled to re-instatement, and back wages, as claimed?
- (6) To what relief, if any, is the petitioner entitled?

Issues No. 1 and 2.

5. This a petition filed under Section 33A of the Industrial Disputes Act, by Shri Abhey Nath, Ex-Bonus Clerk, Palana Colliery, Palana. In the petition, which is dated 25th February 1959, there are various allegations about alteration of the terms and conditions of service to the prejudice of the workman, and infraction of the Standing Orders. By means of a subsequent petition for amendment of the petition, i.e., I.A. No. 44B dated 19th May 1959, certain additional allegations were introduced in the petition. These are to the effect, that the management unlawfully terminated the employment of the petitioner in violation of the conditions of service, applicable to him under the relevant Standing Orders and the provisions of the Industrial Disputes Act, and that he should be re-instated in employment as Bonus Clerk, with back wages, from the date of termination of service upto the date of re-instatement. Dr. Jawahar Lal for the petitioner-workman stated, that he did not press the various grounds about the alleged alteration of the conditions of service, as contained in the petition as originally filed, and dated 25th February 1959. He has pressed only the complaint regarding the termination of service of the workman as introduced by the amendment in I.A. No. 44B of 1959.

6. With reference to the alleged termination of service, a number of documents have been filed. Ext. W/1 is the charge against the workman dated 30th May 1958. The workman was accused of insubordination, under the Colliery Standing Order 15(3)(a), for wilfully disobeying the instructions of the Head Clerk, when he was sent for twice in connection with office work. Ext. W/2 is a copy of the letter by the clerk, requesting, that he may be supplied a copy of complaint of the Head Clerk. Ext. W/3 is a copy of the report of the Head Clerk. Ext. W/4 is a copy of an order by the Mines Manager, directing Shri Abhey Nath to prepare a list of workers as per *proforma* on the reverse. Ext. W/5 is a letter, that was sent by Shri Abhey Nath Naik. to the Mines Manager on 11th June 1958. Ext. W/6 purports to be a copy of the statement of the Peon, Shri Chuni Lal, and Ext. W/6A is a letter that was sent by the Mines Manager to Shri Abhey Nath, enclosing a copy of the said statement. Ext. W/7 is another letter dated 11th July 1959, that was sent on behalf of the clerk to the Mines Manager. By Ext. W/8 the Mines Manager charged the clerk with insubordination on account of his having refused to carry out the reasonable and legitimate instructions given by the clerk to call out the rolls of the Colliery workers, and in other ways. The workman was asked to explain his conduct. Ext. W/9 is a copy of the explanation that was sent by the workman. Ext. W/10 is a copy of the order passed by the Mines Manager. In Ext. W/11 the workman stated, that due to unreasonable instructions of the Mines Manager, he was unable to call out the roll. Ext. W/12 is another letter that was sent on behalf of the workman dated 11th July 1958. Ext. W/13 is the order of the Mines Manager, calling upon the workman to show cause why his services should not be terminated. Ext. W/16 is a copy of the letter, that was sent by the clerk, intimating the Mines Manager, that he was making a complaint against him to the Works Committee. Exts. W/14 and 15 have been produced as relating to the proceedings before the Works Committee. Ext. W/17 is a letter of the Mines Manager dated 8th August 1958, intimating the workman, that departmental disciplinary action will proceed. Ext. W/19 is a copy of the letter of the Director of Mines & Geology, Rajasthan instructing the Mines Manager to dismiss Shri Abhey Nath Naik. Ext. W/18 is a letter of the Mines Manager, terminating the service of Shri Abhey Nath Naik. Ext. W/20 is a copy of the letter of the Regional Labour Commissioner, pointing out certain alleged infractions of the Standing Orders. Ext. W/21 is a copy of the letter by the Labour Inspector to the Mines Manager dated 15th November 1958.

7. The contention on behalf of the workman before me by Dr. Jawahar Lal is, that the management have contravened Section 33(1) of the Industrial Disputes Act, that the order of termination of service against the petitioner should have been passed only with prior express permission in writing of the Industrial Tribunal, before which the main dispute was pending, and that, in the absence of such permission, there is a contravention of Section 33 of the Industrial Disputes Act, and that this petition is maintainable under Section 33A. This contention is not tenable. It can by no means be said, on the evidence on record, that the charges against the workman are for any mis-conduct connected

with the dispute. There has been no discharge or punishment, whether by dismissal or otherwise, for any mis-conduct connected with the dispute. No doubt, Shri Aidan is a workman concerned in the main dispute, but he is not entitled to invoke the aid of Section 33(1), when the charges against him, as contained in the charge-sheet referred to above, are not for any mis-conduct connected with the dispute. The original dispute was only with reference to the fixation of wage structure for the several employees. I find, that Section 33(1) has no application to the facts of this case, and that it cannot be held, that there is a contravention of Section 33 for the reason, that the employer should have obtained the prior express permission in writing of the Industrial Tribunal before having recourse to the action of termination of service of the petitioner.

8. In my opinion, the relevant section applicable to the facts of the present case is section 33(2). The management proceeded to deal with the workman for alleged insubordination, in respect of a matter not connected with the dispute. The proviso in Section 33(2) says, that no such workman shall be discharged or dismissed, unless he has been paid wages for one month, and an application has been made by the employer to the authority before which the proceeding is pending for approval of the action taken by the employer. The management did file a petition O.P. 58/58 under Section 33(2) for approval of their action of discharge of Shri Abhey Nath under clause (b) of sub-section (2) of Section 33 of the Industrial Disputes Act. This application was disposed of after contest on behalf of the workman by order dated 14th April 1959. It was held therein, that the management were entitled to come to the conclusion, on the evidence before them, that there was gross insubordination wilful dis-obedience of orders, and insolence, and acts subversion of discipline, that their action was *bona fide*, and that it did not amount to victimisation or unfair labour practice, and that a *prima facie* case had been made out for approval of the action taken by the management. It is absolutely clear, that there has been no contravention of Section 33 of the Industrial Disputes Act in any manner whatsoever.

9. When there has been no contravention of Section 33, this petition under Section 33A of the Industrial Disputes Act is not maintainable. An application under Section 33A can lie when an employer contravenes the provisions of Section 33. In the latest decision of the Supreme Court in the Punjab National Bank Ltd. V. Their workmen (1959 II LLJ 666), it is observed at page 680, that Section 33A enables an employee aggrieved by contravention of Section 33 to make complaint in writing in the prescribed manner to the Tribunal. By that section, an employee aggrieved by a wrongful order of dismissal passed against him in contravention of Section 33 is given a right to move the Tribunal in redress of his grievances, without having to take recourse to Section 10 of the Act. Thus the contravention of Section 33 is a condition precedent to the maintainability of an application under Section 33A of the Act. In view of the facts, set out above, it is obvious, that the management had obtained approval of the action taken by them under Section 33(2), and there is no contravention of Section 33 in any manner whatsoever. As pointed out in the decision in Automobile Products of India Vs. Rukmaji, Bala. (1955 I LLJ 346), and also in the decision of the Punjab National Bank Ltd, cited above, even if the required approval is granted under Section 33, that would not be the end of the matter. That merely removes the ban imposed by Section 33, and does not validate the order of dismissal. The validity of the order of dismissal can be and often is challenged by the Union by raising an industrial Dispute in that behalf. As pointed out in the decision of the Supreme Court Lakshmi Devi Sugar Mills Ltd. Vs. Ram Sarup and others (1957 I LLJ 17), if the ban which is imposed by Section 33, is lifted and permission is granted, then it would be open to the workman to raise an industrial dispute, which would have to be referred to the appropriate tribunal for adjudication, by the Government, on proper steps being taken in this behalf. The petitioner has mis-conceived his remedy by filing this petition under Section 33A. I find, that there is no contravention of Section 33, and that this petition is not maintainable, as brought.

Issues No. 3 and 4.

10. In view of my finding, that the petition, as brought, is not maintainable, the questions as to the merits of the dismissal and the validity thereof, do not arise for determination, and are not decided herein.

Issues No. 5 and 6.

11. In view of my finding, that the petition, as brought, is not maintainable, the petitioner is not entitled to any relief in this petition.

12. In the result, the petition is dismissed. No order as to costs.

13. An award is passed accordingly.

(Seven pages)

27th November, 1959.

E. KRISHNA MURTI,
Central Govt. Industrial Tribunal, Delhi.

[No. LR11-4(14)/59.]

New Delhi, the 24th December 1959

S.O. 43.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Delhi, in the matter of applications under section 33A of the said Act from certain workmen of Messrs. Bikaner Gypsums Limited.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, DELHI

PRESENT

Shri E. Krishna Murti, Central Government Industrial Tribunal.

26th November 1959

APPLICATION U/S 33A OF THE INDUSTRIAL DISPUTES ACT, 1947.

I D. No. 574 OF 1959

BETWEEN

Shri Hussainia, T. No. 651, Mazdoor c/o Gypsum Mine Workers Union, Opposite Sadul M.P. School, Bikaner—*Applicant.*

AND

The Management of M/s. Bikaner Gypsums Ltd., Rani Bazar, Bikaner (Rajasthan)—*Opposite Party.*

In the matter of references I. D. No. 245 of 1958 and 1959 and I. D. No. 367 of 1959.

Shri R. C. Shukla *for the Applicant.*

Shri O. K. Banerjee *for the opposite-party.*

AWARD

This is a petition under Section 33A of the Industrial Disputes Act.

2. The allegations in the petition are, that the petitioner is a concerned workman in I. D. No. 245 of 1958, which is pending, that the opposite party punished the petitioner by deducting his wages, and by non-payment of wages for the suspension period, that the said action of the management is unjustified, that the charges against the complainant are not true, that further the management should have obtained prior permission of the Tribunal to punish him, that the management have also effected change in the conditions of service, that the management have sought to victimise him, that there is contravention of Section 33, and that suitable relief should be given to the petitioner.

3. The contention on behalf of the Company is, that there is no contravention of Section 33, that no approval of the Tribunal was necessary, as there has been no punishment by way of discharge or dismissal for misconduct, that the action of the management is legal and justified, and is in accordance with the Standing Orders, that there has been no victimisation, or unfair labour practice, that there are no grounds for interference with the action taken by the management, and that the application should be dismissed.

4. The issues for decision are:—

- (1) Whether the action taken by the management is lawful and justified?
- (2) Whether the petition, as brought, is maintainable?
- (3) To what relief, if any, is the petitioner entitled?

Issue No. 1.

5. This is a petition under Section 33A of the Industrial Disputes Act. Both parties have dispensed with oral evidence, and have relied upon the documents, that have been produced before me.

6. According to the case on behalf of the management Shri Hussainia, the petitioner herein, was charged under the charge-sheet, Ext. M/1 dated 23rd April 1959. The workman was charged for several acts of misconduct, under Standing Order 21 *mutatis*. (1) habitual indiscipline; (2) threatening or intimidating an employee within the boundaries of the Mines and (3) habitual breach of standing orders and rules and instructions for the maintenance and working of a department or for the maintenance of its cleanliness. According to the allegations in Ext. M/1, on 14th April, 1959, Shri Ram Bahadur, Chowkidar was on duty at the workshop gate from 8 A.M. to 4 P.M. Shri Hussainia at about 10-30 A.M. went into the workshop. He came out with a spade in his hand. The Chowkidar asked him for the gate-pass for his taking out the spade, according to section 12 of the Standing Orders. But, instead of producing the gate-pass, Shri Hussainia intimidated him, and thus committed misconduct as per Standing Order 21(16). The second charge against him is, that on 28th March 1959 he forcibly broke open the door of the Gypsum Mines K. B. S. S. Limited, and picked up a quarrel with the Store Incharge there. He was charged with indiscipline amounting to misconduct as per clause 21(10). The workman was asked to show cause within 48 hours of the service of the chargesheet. Ext. M/2 is the reply of Shri Hussainia dated 24th April 1959, and therein it is mentioned, that the charges levelled against him were not true, and were denied. Thereupon an enquiry was ordered into the charges, and Shri J. Prasad was appointed as the Enquiry Officer. He conducted the enquiry and recorded statements of several witnesses, who were examined at the time, both on behalf of the management and also on behalf of the workman. It would however appear that Shri J. Prasad ceased to be in the service of the Company by 13th July 1959. The case of the management is, that Shri J. Prasad did not send up an enquiry report to the management. Neither did he announce his findings. The enquiry was transferred by the Company to Shri R. L. Saxena, the Labour and Welfare Officer, and he submitted his report dated 24th April 1959, *i. e.* Ext. M/4. He found that the petitioner was not only guilty of the charges against him, but had shown on different occasions the habit of indiscipline, of using indecent language towards others, and even towards the Enquiry Officer, and of fighting with people. The management accepted the findings of the Enquiry Officer, and issued the order Ext. M/5 dated 25th July 1959. The management stated therein, that, though Shri Hussainia deserved dismissal, still it had been decided to reduce his wages from Rs. 1-2-0 basic to Rs. 1-1-0 per day from 27th July 1959. He was also deprived of pay for the suspension period, and the said period was to be treated as absence from duty.

7. The contention raised before me on behalf of the petitioner is, that the action taken by the management is unlawful and unjustified. Firstly, reliance has been placed upon Ext. W/1, which purports to be the report of Shri J. Prasad, the Enquiry Officer. It bears the date 9th July 1959. In the said report it is stated, that the enquiry had been vitiated and had not been conducted on principles of equity, good conscience and justice and that it lacked authenticity, and that he exonerated Shri Hussainia from all charges. It is further stated therein, that the Enquiry Officer was not allowed to have a free judgment much against his wishes in his presence, and that this was pure dictation. It is argued on behalf of the workman, that the Enquiry Officer's report was received by the Union, and that this shows that Shri Hussainia was exonerated, and that the action taken by the management in punishing him is incorrect. Ext. W/2 is said to be a representation sent to the Enquiry Officer by Shri Ramdev Kajaria who is said to have been the representative on behalf of Shri Hussainia. Ext. W/2A purports to be an endorsement thereon by Shri Prasad to the effect, that Shri Ramdev, Representative of Shri Hussainia, etc., may be given a copy of the findings, and that in the interest of justice and as per Labour practice the copy of the findings was given by the Enquiry Officer, Shri J. Prasad.

8. The contention on behalf of the management is that Exts. W/1, 2, and 2A, and the alleged findings of the Enquiry Officer, Shri J. Prasad, have all been got up by the Union in collusion with Shri J. Prasad, after he had ceased to be the Enquiry Officer on 13th July 1959. It is alleged in the counter on behalf of the management, that Shri J. Prasad was not given an extension of his service, that such extension was refused, and that by way of vengeance against the management he wrote the alleged findings long after he had ceased

to be in service. The management have relied upon the fact, that Shri J. Prasad filed a petition under Section 33A, and that the same was withdrawn on payment of earned wages and travelling allowance. Attention has been drawn on behalf of the management to paragraph 5, page 10 of Ext. W/1 wherein it is stated that, it was necessary to find, whether the charges contained in the charge-sheet had been negatived by the defence evidence. After referring to the evidence of Shri Ram Chander, the Enquiry Officer remarked, that Shri Ram Chander was wilfully attempting to conceal certain facts, and that his whole statement was vitiated by lies. In the top of page 11 it is mentioned, as follows:—

"The conduct of Shri Hussainia is extremely reprehensible. He has misbehaved the two Enquiry Officers successively. He was given ample and sufficient opportunity to place his case well and to conduct his defence properly. His request for recording the proceedings in Hindi was acceded to. His request for allowing an observer at the enquiry was not denied. His observer refused to accept the calling memo wherein he was requested to attend the enquiry. Shri Hussainia was directed, in the interest of justice, to nominate some other person as his observer but he refused to accept the memo. It was agreed also that his witnesses would be called by the management. He did not participate in the enquiry. Sufficient number of postponements were given to enable Shri Hussainia to present himself but he did not present himself." It is also stated at page 11, that to meet the ends of justice and fair play, he was directed to cross-examine the management's witnesses but he declined to do so, and that he was playing with the Enquiry Officer. In face of these remarks, of the Enquiry Officer Shri J. Prasad, at page 11, I am unable to understand his remarks on page 12 that the enquiry was vitiated, and that it was not conducted on principles of enquiry, good conscience and justice. The statements found in the enquiry record, Ext. M/3, namely Exts. M/3A onwards upto Ext. M/3M, are all signed by Shri J. Prasad. The various statements contain a remark "findings announced on 9th July 1959." I am unable to believe, that this represents a true and correct state of affairs. It is quite likely that it was inserted later in collusion. In my opinion, the contention based upon Exts. W/1 and 2 and 2A is not of any value. Ext. W/3 is a copy of the representation sent on behalf of the workman on 3rd August, 1959, and therein there is reference to the fact, that the Enquiry Officer, appointed to enquire into the charges, had not found him guilty of the same. This letter was sent apparently after the collusive report in regard to exoneration of the petitioner had been obtained by the Union from Shri J. Prasad. I find, that no reliance can be placed upon Exts. W/1-3, that Ext. W/1 is not a true and genuine report in regard to the alleged innocence of the petitioner and it has been brought about in collusion with Shri J. Prasad after he had ceased to be in service.

9. The contention on behalf of the workman, that the enquiry is vitiated, and that no reliance can be placed upon the same, is untenable. I have set out the remarks of Shri J. Prasad, who conducted the enquiry. The last of the statements was recorded by him on 4th June 1959. There can be no doubt, that there was a fair and proper enquiry, and that, if Shri Hussainia refused to cross-examine the witnesses, he is himself to blame. The enquiry is not vitiated in any manner.

10. On the statements that were recorded at the enquiry, Shri R. S. Saxena who was appointed Enquiry Officer, in the place of Shri J. Prasad, gave the report Ext. M/4, holding the petitioner guilty of both the charges. I have carefully gone through the statements of the witnesses, and the Enquiry Officers' report, and I see no sufficient grounds for dis-agreeing with the findings of Shri Saxena. The charges contained in the charge-sheet, Ext. M/1 have been brought home to the workman, the petitioner, by the Statements of the witnesses examined on behalf of the management. With reference to the first charge, there is evidence on behalf of the management, which has been accepted. It proves, that Shri Hussainia did not show the gate-pass, when he came out of the Engineering Workshop, with a spade in his hand. As contended on behalf of the management, it was his duty to show the gate-pass. It is attempted to be proved, that he showed a gate-pass, which was issued to him by Shri Tiwari. It is belied by the evidence of Shri Tiwari, who denies, that he issued any gate-pass. One of the defence witnesses, Shri Shamsud-Din, stated that Shri Ram Bahadur, the Chowkidar of the gate, asked for the gate-pass; but that it was not produced though another defence witness, Shri Kalu Khan, attempted to prove, that Hussainia had a piece of paper. On the evidence, there is no doubt at all, that the Enquiry Officer was justified in finding, that Shri Hussainia did not have a gate-pass and did not produce it in spite of rules and regulations about the necessity for production of the same. Instead, he picked up a quarrel with the Chowkidar, and it is in evidence of the witnesses on behalf of the management, that he beat the Chowkidar with a shoe.

11. With reference to the incident on 28th March 1959, there was evidence which was before the management to prove, that Shri Hussainia broke upon the door of the Co-operative Stores, when he was refused supply of wheat, and that he picked up a quarrel with the Incharge. The truth of the evidence of the management's witnesses has been accepted as true.

12. It has been well settled, that a Tribunal does not sit as a court of appeal in the matter of action taken by the management for misconduct against its employees. The decision in Indian Iron and Steel Co. (1958 I LLJ 280) is in point. It is laid down therein, that the action taken by the management cannot be interfered with, unless the circumstances, as mentioned therein, are present. On a careful examination of the statements and the material on record, I am unable to find, that any of the circumstances, which vitiate the action taken by the management as laid down in the said decision is present in this case. On a consideration of the entire evidence, and the material on record, I find, that the conclusion arrived at by the management, that the workman is guilty of the charges levelled against him, is well justified, and that there are no grounds for interference therewith.

13. So far as the question of punishment is concerned, there are also no grounds for interference. The responsibility for maintaining internal discipline is that of the management, and it is for them to decide upon the quantum of punishment. I am unable to hold on the evidence, that the management were actuated by ulterior motives or were bent upon victimising the employee on account of his union activities, as contended before me. I find, that the action taken by the management is lawful and justified, that it is *bona fide*, and that there are no grounds for interference with the same.

Issue No. 2.

14. The objection has been raised on behalf of the management, that the petition, as brought, is not maintainable, because there is no contravention of Section 33. It may no doubt be, that the misconduct for which the workman was proceeded against, is not connected with the dispute, to attract the applicability of Section 33(1). However, it is clear, that Section 33(2) applies to the facts of this case. The workman's wages were reduced as a matter of punishment, and he was also deprived of wages for the suspension period, as a matter of punishment. These amount to an alteration of the conditions of service by way of punishment. The management ought to have adopted the procedure contained in Section 33(2), but no petition for approval was filed. In these circumstances, there is contravention of Section 33, and therefore, this petition under Section 33A is maintainable. I find accordingly.

Issue No. 3.

15. However, in view of my findings as above, that the action of the management is lawful and justified, and that it is *bona fide*, the workman is not entitled to any relief.

16. In the result the petition is dismissed. No order as to costs.

17. An award is passed accordingly.

(Nine pages)

The 28th November, 1959.

E. KRISHNA MURTI,
Central Government Industrial Tribunal,
Delhi.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL: DELHI.

PRESENT:

Shri E Krishna Murti, Central Government Industrial Tribunal

26th November, 1959

APPLICATION U/S 33A OF THE INDUSTRIAL DISPUTES ACT, 1947.

I. D. No. 575 OF 1959.

BETWEEN

Rahim Shah, Labour Mate C/o Gypsum Mine Worker's Union, Opp: Sadul M.P. School, Bikaner (Rajasthan)—Applicant.

AND

The management of Messrs Bikaner Gypsums Ltd. Rani Bazar, Bikaner (Rajasthan)—Opposite Party.

In the matter of I. D. Nos. 245 of 1959, 245 of 1958 and 358 of 1959.

Shri R. C. Shukla for the applicant.

Shri O. K. Banerji for the opposite party.

AWARD

This is a petition under Section 33A of the Industrial Disputes Act.

2. The petitioner, Shri Rahim Shah, alleges that he is a concerned workman in the proceeding in I. D No. 245 of 1958, and other disputes, and is a permanent workman of the opposite party, Messrs Bikaner Gypsums Ltd., that he was the President of the Gypsum Mine workers Union, Jamsar on 12th May, 1958, that he was Joint Secretary of the said Union prior to 12th May, 1958, that he was inflicted the punishment of warning by order dated 22nd July, 1959 for alleged mis-conduct, that this punishment has been imposed illegally, with a view to victimise the complainant, that the management have changed and altered the conditions of service of the workman, and that suitable relief should be given to him.

3. The management plead, that there is no contravention of Section 33, that only the punishment of warning has been inflicted on the complainant, that this is not a matter connected with the dispute, that, in any case, the petitioner is not a concerned workman, that the warning was given to him on account of misconduct, that such warning is justified, and lawful, that there is no unfair labour practice, or victimisation, and that the petition should be dismissed.

4. The points for decision are:—

(1) Whether the warning in question is lawful and justified?

(2) Whether there is a contravention of Section 33 of the Industrial Disputes Act?

(3) Is this petition maintainable?

Point No. 1.

5. The petitioner herein is Shri Rahim Shah, Labour Mate, Jamsar. He was served with a charge-sheet, copy of which is Ext. M/1 dated 19th September, 1958, by the management of the opposite party, Messrs Bikaner Gypsums Ltd. It is mentioned in the charge-sheet, that Shri Rahim Shah got Shri Sita Ram's attendance card punched in the second shift on 29th August, 1958, knowing full well, that he was not at the spot, that this amounts to misconduct within the meaning of clause 21(3) of the Standing Orders, and that he should show cause, why he should not be punished. Ext. M/2 is the explanation, that was given on behalf of the workman. Ext. M/3 contains the record of enquiry. Ext. M/4 is the order-sheet in respect of the enquiry, and Ext. M/5 contains the findings of the Enquiry Officer. Ext. M/6 dated 22nd July, 1959 is the order of the management to the effect, that the Enquiry Officer had found Shri Rahim Shah guilty of the charges against him, that however the management had decided to let him off with a warning.

6. The contention on behalf of the workman is, that the order of warning passed against him is unlawful and unjustified. The enquiry Officer has found, that Shri Sita Ram was not present at the time the card was punched. The card was brought by Shri Rahim Shah. It is found, that Shri Rahim Shah got the card of Shri Sita Ram punched by the Time-Keeper, Shri Bhowmik, in the absence of Shri Sita Ram. It is explained in the course of arguments on behalf of the management, that Shri Bhowmik, the Time-Keeper, was also proceeded against for punching the card in the absence of the workman himself. There is no doubt, that Shri Rahim Shah was at fault in getting the card of Shri Sita Ram punched, when the latter was not present. I do not see any sufficient grounds for dis-agreeing with the contention on behalf of the management, that Shri Sita Ram was not at all present at the time, when the card was punched. The management are entitled to put down this practice of one workman getting the card of another punched during the latter's absence. As argued on behalf of the management, this was a most reprehensible practice, and they were entitled to put an end to it. In my opinion there are no sufficient grounds for dis-agreeing with the conclusion of the Enquiry Officer, and the workman was guilty of indefensible conduct in getting the card of Shri Sita Ram punched during the latter's absence. The fact, that Shri Sita Ram had asked him to get it punched, does not serve as a valid defence. I find, that the issue of warning is fully justified on the merits of the case.

Point Nos. 2 and 3.

7. The contention has however been raised, that the management acted illegally in contravention of Section 33. Firstly, it is alleged, that Shri Rahim Shah, Mate was the President of the Labour Union, that he was elected in the meeting of 23rd May, 1958, that this fact had been communicated to the management even then, as

proved by the entry in the Peon Book, Ext. W/2, that he was a 'protected workman, that the management were bound to obtain permission under Section 33(3), and that, therefore, the action of the management is unlawful and unjustified. No doubt, he was a protected workman, because he was the President of the Union. This fact was communicated as per Ext. W/1, but this is dated 5th February, 1959, subsequent to the taking of action against the workman. There is nothing on record to show, whether the intimation that Shri Rahim Shah was a protected workman, had been sent before the order, issuing warning, was passed against him. In such circumstances there is no contravention of Section 33(3). However, apart from the above, even assuming, that Shri Rahim Shah was a protected workman, I am unable to hold, that there is a contravention of Section 33. The said section prohibits the management from discharging or punishing, whether by dismissal or otherwise, a protected workman, save with the permission in writing of an authority, before which the proceeding is pending. I am unable to hold, that the issuing of a mere warning is prohibited by Section 33(3), as it does not amount to discharge or dismissal. It does not amount also to alteration of the conditions of service, because there is provision for the same in the Standing Order 22(b). In either view, Section 33(3) is not attracted to the facts of this case. There is no contravention of Section 33, and this petition does not lie under Section 33A.

8. In my opinion, whether on the merits, or on the preliminary objection raised on behalf of the management, there are no grounds to support the contention on behalf of the workman. The action of issuing of warning taken by the management cannot be interfered with.

9. In the result, the petition is dismissed. No order as to costs.

10. An award is passed accordingly.

(Four pages)

26th November, 1959.

E. KRISHNA MURTI,
Central Government Industrial Tribunal,
Delhi.

[No. LRII/25 (25)/59.]

ORDER

New Delhi, the 24th December, 1959

S.O. 44.—Whereas the Central Government is of opinion that an industrial dispute exists between the National Coal Development Corporation (Private) Limited and their workmen employed in Serampore Colliery in respect of the matters specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the power conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act,

THE SCHEDULE

- (1) Whether the National Coal Development Corporation was justified in ordering the retirement of Shri Janab Etwari Meah, Chowkidar, Serampore Colliery, on his reaching the age of 55, on 1st July, 1957; if not, to what relief is he entitled?
- (2) Whether the National Coal Development Corporation was justified in altering the date of birth of Shri Janab Etwari Meah from 14th February, 1912 to 1st July 1902 after conducting a medical examination on 4th May, 1955; if not to what relief is he entitled?

[No. LRII/2(7)/59.]

P. R. NAYAR, Under Secy.

New Delhi, the 24th December, 1959

S.O. 45.—PWA/Mines/Rules/Am. 5.—In exercise of the powers conferred by sub-sections (2), (3) and (4) of section 26, read with section 24 of the Payment of Wages Act, 1936 (4 of 1936), the Central Government hereby makes the following amendments to the Payment of Wages (Mines) Rules, 1956, the same having been previously published as required by sub-section (5) of the said section 26, namely:—

In Form III appended to the said Rules—

- (i) columns 2 and 4 shall be omitted; and
- (ii) columns 3 and 5 to 17 shall be re-numbered as columns 2 to 15 respectively.

[No. Fac. 49(31)/58]

P. D. GAIHA Under Secy.

New Delhi, the 24th December 1959

S.O. 46.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 3rd January, 1960, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force), Chapter V and Chapter VI [except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala, namely:—

The areas within the limits of Fort Cochin and Mattancherry Municipalities and the revenue villages of:—

- (a) Aroor in Sherthalai taluk in Alleppey district.
- (b) (i) Palluruthy, (ii) Vypcen, (iii) Kumbhalangai, (iv) Elankunapuzha, (v) Narakkal, (vi) Nayarambalam, (vii) Mundalumeli, (viii) Manacheri, (ix) Cherjakudavu, (x) Malipuram, (xi) Azhikkal, (xii) Murukumpadam, and (xiii) Chellanam in Cochin taluk in Ernakulam district.
- (c) (i) Mulavukad, (ii) Mulankuzhi, (iii) Maradu, (iv) Purumpattom, (v) Thevara, (vi) Thrippunithura, (vii) Valarpadam in Kanayanur taluk in Ernakulam district.
- (d) Varapuzha in Parur taluk in Ernakulam district.

[No. F. HI-13(21)/59.]

S.O. 47.—In pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby nominates Shri L. I. Parija, I.A.S., Director of Industries and Labour, Delhi, as a member representing the Union territories on the Employees' State Insurance Corporation, in place of Dr. B. R. Seth, and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. HI-1(196)/57, dated the 15th March, 1958, namely:—

In the said notification, under the heading 'Members' and sub-heading '(Nominated by the Central Government under clause (e) of section 4 to represent Union Territories)', for item 18, the following item shall be substituted, namely:—

"18. Shri L. I. Parija, I.A.S., Director of Industries and Labour, Delhi."

[No. F. HI-1(163)/59.]

ORDER

New Delhi, the 24th December 1959

S.O. 48.—In exercise of the powers conferred by section 73-F of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts, for a further period of one year with effect from the 1st January, 1960, from the payment of the employer's special contribution leviable under Chapter V-A of the said Act, every factory which is exclusively engaged in wool pressing either with or without cotton pressing and ginning.

[No. HI-7(48)/59.]

BALWANT SINGH, Under Secy.

New Delhi, the 26th December 1959

S.O. 49.—In pursuance of regulation 25 of the Coal Mines Regulations, 1957, the Central Government hereby appoints Shri S. Gopal Krishnan as an assessor and relieves Shri M. K. Bose of his duties as an assessor and directs that the following amendment be made in the notification of the Government of India, Ministry of Labour and Employment, S.O. 421, dated the 25th March, 1958, as amended by S.O. 1012, dated the 3rd September, 1959, namely:—

In the said notification, for the entry

“Shri M. K. Bose, Agent, Macneill and Barry’s Collieries, Bhutgoria Colliery, Bhaga (District Dhanbad)”, the entry “Shri S. Gopal Krishnan, Chief Mining Adviser, Eastern and South Eastern Railways, Dhanbad” shall be substituted.”

[No. MI-43(7)/57.]

A. P. VEERA RAGHAVAN, Under Secy.

New Delhi, the 26th December 1959

S.O. 50.—The following draft of a further amendment of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1956, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 25th January, 1960.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Amendment

In clause 30 of the said Scheme, for sub-clause (2), the following sub-clause shall be substituted, namely,—

“(2) Casual vacancies in the reserve pool gangs shall be filled up in the following manner:—

- (a) When a Sirdar is absent, the vacancy shall be filled by a Sirdar on attendance allowance. If no Sirdar is on attendance allowance, the seniormost senior mazdoor in the same gang available for work shall work as a Sirdar.
- (b) Vacancies of senior and junior stevedore mazdoors shall be filled by registered senior and junior mazdoors respectively on attendance allowance. If no senior mazdoor is on attendance allowance, the seniormost junior mazdoor of the same gang available for work shall work as a senior mazdoor. When all the senior and junior mazdoors on the reserve pool on attendance allowance have been employed, the vacancies shall be filled by leave reserve workers.
- (c) In filling up vacancies otherwise than by promotion in the same gang, the principle of rotation shall be followed: Provided that where work is carried by a gang, the allotment of mazdoors by rotation shall be by gangs.”

[No. Fac.174(10)/59.]

B. K. BHATTACHARYA, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 24th December 1959

S.O. 51.—In pursuance of clause (b) of sub-rule (2) of rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby makes the following further amendment in the Schedule to the

Notification of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 618, dated the 28th February, 1957, namely:—

In Part I of the said Schedule, under the heading "Films Division" after the entries in columns 3 and 4, relating to the entry "Posts on a scale of pay with a minimum of not less than Rs. 500 p.m." in column 1, the following entries shall respectively be inserted, namely:—

3	4
"Controller of the Films Division	(i) to (iii)"

[No. 15/1/59-FA.]

V. P. PANDIT, Under Secy.

THE MADRAS CENTRAL EXCISE COLLECTORATE, MADRAS

CENTRAL EXCISE

Madras, the 26th November 1959

S.O. 52.—In exercise of the powers conferred on me under Rule 233 of the Central Excise Rules, 1944, I direct that all licensed manufacturers of Rayon or Art Silk and Cotton Fabrics in powerloom factories (without spinning plants) and paying duty under special procedure as provided in Section E, III of Chapter V of the Central Excise Rules 1944, shall paint distinct number on each loom installed in the factory in serial order, irrespective of the fact whether the loom is employed on the manufacture of any excisable fabrics or not and shall maintain a disposition chart for each such premises in the enclosed form 'A'.

2. Every manufacturer shall make an entry in the loom disposition chart in form 'A' immediately on the commencement of a shift within thirty minutes of starting of any loom on any variety of fabrics at subsequent stage during a shift.

3. The variety of the fabrics manufactured shall be indicated in the powerlooms disposition chart by using the following abbreviations. (All the entries in the loom disposition chart shall be made in ink only.)

(i) Rayon or Art Silk Fabrics	'AS'
(ii) Cotton Fabrics	'C.F'
(iii) Exempted Fabrics	'X'
(iv) Non-Excisable Fabrics	'N.E'
(v) Idle looms	'I'

4. In cases in which manufacturer produces both Art silk and Cotton Fabrics it is not necessary to maintain separate looms disposition charts for both the commodities.

5. At the end of each shift the total number of looms employed for each variety of fabrics and the number of looms which remain idle shall be shown in the columns meant for the purpose the loom disposition chart. These charts shall be kept in the weaving shed and shall be made available as and when demanded by any officer of this department.

6. Where the manufacturers are maintaining their own account giving the information as per the loom disposition chart, it is not necessary to maintain this chart in addition. For this purpose, such manufacturers should obtain specific exemption from the Superintendent of Central Excise having jurisdiction over the factory.

FORM "A"
POWERLOOMS DISPOSITION CHART

Month.....

Name of the manufacturer.....L. 4 No.....Premises No.....

Serial No. of looms	No. of shifts	Dates				
		1	2	3	4	Upto the end of month (including Sundays and Holidays)
1	1st					
	2nd					
	3rd					
2	1st					
	2nd					
	3rd					
Total ..						
1	A.S.F.	1st shift	.	.		
		2nd shift	.	.		
		3rd shift	.	.		
2	C.F.	1st shift	.	.		
		2nd shift	.	.		
		3rd shift	.	.		
3	X	1st shift	.	.		
		2nd shift	.	.		
		3rd shift	.	.		
4	N.E.	1st shift	.	.		
		2nd shift	.	.		
		3rd shift	.	.		
5	Idle	1st shift	.	.		
		2nd shift	.	.		
		3rd shift	.	.		

A.S.F. Art Silk Fabrics
C.F. Cotton Fabrics
X Exempted Fabrics
N.E. Non-excisable fabrics.

[No. C. VIa/21/103/59 C.E. (POL)]

D. R. KOHLI,
Collector

THE MYSORE CENTRAL EXCISE COLLECTORATE, BANGALORE

CENTRAL EXCISES

Bangalore, the 11th December 1959

S. O. 53—In pursuance of Rule 5 of the Central Excise Rules 1944, I hereby empower Superintendents of Central Excise to exercise within their jurisdiction the powers of Collector conferred by the provisions of the Rules enumerated in Column 1 of the table subject to the limitations set out in column 2 of the table.

Central Excise Rules		Limitations
9(1)	}	(i) Account Current shall be maintained in the name of Collector.
Proviso(2)		(ii) Formal approval of Collector shall be taken immediately after close of each month.

(Issued from file C.No. IV/16/304/59 B.1.)

[No. 12/59.]
A. R. SHANMUGAM,
Collector.

CENTRAL EXCISE COLLECTORATE, DELHI

CENTRAL EXCISE

New Delhi, the 26th December 1959

S.O. 54.—In pursuance of Government of India Notification No. GSR 546 published in Part II, sub-section (1) of Section 3 of the Gazette of India dated the 9th May, 1959, I hereby prescribe the enclosed form in which the manufacturers of articles specified in column 2 of the table hereto annexed as appendix 'A' from the excisable goods specified in column 3 thereof, shall apply for registration under Rule 191-B of Central Excise Rules 1944 to the Collector of Central Excise, Delhi.

APPENDIX 'A'

S. No.	Articles for manufacture in bond	Excisable for manufacture of articles specified in Col. 2.
1	2	3
1.	Cigars and Chicroots	Unmanufactured Tobacco
2.	(i) Umbrellas	Cotton Fabrics.
	(ii) Readymade apparel	"
	(iii) Tents	"
	(iv) Cotton Bags	"
	(v) Chaddars	"
	(vi) Pillow-cases	"
	(vii) Table Covers	"
	(viii) Embroideries	"
	(ix) Laces	"
	(x) Tarpaulins	"
	(xi) Mosquito Nets	"
	(xii) Ground-sheets	"
	(xiii) Cotton sola hats	"
	(xiv) Cotton flannel Motor Car dusters	"
	(xv) Cotton Quilts	"
	(xvi) Cotton Seaves	"
	(xvii) Cotton Tapes	"
	(xviii) Waterproof Canvas	"
	(xix) Cotton Blankets	"
	(xx) Cotton handkerchiefs	"
	(xxi) Cotton Napkins	"

APPENDIX 'B'

APPLICATION TO MANUFACTURE IN BOND OF ARTICLES FOR THE PURPOSE OF EXPORT OUTSIDE INDIA

(Delete the letters and words not applicable)

To

The Collector of Central Excise,
Delhi.

Sir,

I/We residing at taluk District request that I/We may be granted/permission to manufacture in bond of the articles for export outside India.

2. I/We hereby declare particulars (in the schedule overleaf) of the premises where I/We carry on business of such articles.

3. I/We submit a list of articles proposed to be manufactured alongwith the formula of each, with special reference to the quantity or proportion of excisable goods actually used and the quantity and tariff category of excisable goods so used.

4. I/We declare that I/We will not change the list or the formulas except with the prior permission of the Collector.

5. I/We agree to abide by the provisions of the rules in respect of manufacture of articles from non-duty-paid excisable goods for the purpose of export.

6. I/We declare that to the best of my/our knowledge and belief the information furnished here is true and complete.

SCHEDULE

1. Description of every excisable goods which is to be used in connection with the manufacture in bond.

2. Every process of manufacture in bond desired to be carried on.

3. Description of the premises to be used for manufacture of such articles.

4. Name or names of factories from which excisable goods will be obtained.

5. Estimated quantity of excisable goods of each tariff category and quantity which will be required.

6. List of articles proposed to be manufactured.

S. No.	Name of article	Manufacturing formula, stating the quantity of each excisable goods per unit of each such article
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1.

2.

3.

I/We residing at taluk District
guarantee that I/We will not alter the formula mentioned above, or use excisable commodity of the quantity and tariff category different from one mentioned in the formula, without the previous permission of the Collector.

Place

Date

Signature(s) of the applicant(s).

N.B.—To be submitted to the collector in triplicate.

[No. CIV(16)34/58/58820.]

B. D. DESHMUKH,

Collector of Central Excise, Delhi.

